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COBBETT'S

Parliamentary History

OF

ENGLAND.

VOL. II.

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COBBETT'S

Parliamentary History

OF

ENGLAND.

FROM THE NORMAN CONQUEST, IN 1066.

TO

THE YEAR, 1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"COBBETT'S PARLIAMENTARY DEBATES."

VOL. II.

COMPRISING THE PERIOD FROM THE ACCESSION OF CHARLES THE FIRST, IN MARCH 1625, TO THE BATTLE OF EDGE-HILL, IN OCTOBER 1642.

LONDON:

PRINTED BY T. CURSON HANSARD, PETERBOROUGH-COURT, FLEET-STREET.

PUBLISHED BY R. BAGSHAW, BRYDGES-STREET, COVENT GARDEN; AND SOLD BY J. BUDD, PALL-MALL; R. FAULDER, NEW BOND-STREET; H. D. SYMONDS, PATERNOSTER-ROW; BLACKS AND PARRY, LEADENHALL-STREET; AND J. ARCHER, DUBLIN.

July 1807.

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THE present Volume comprises the Period from the Accession of CHARLES THE FIRST, in March 1625, to the first Battle fought between the King's Forces and those of the Parliament at EDGE-HILL, on the 23rd of October, 1642. The general plan of this Work has been so fully set forth in the preface to the former volume, that it is unnecessary to offer any thing further on the subject. The Parliamentary or Constitutional History of England, first published in the year 1751, has been made the ground-work of the following pages. The Journals of both Houses of Parliament, together with the Collections of Rushworth, Nalson, and Husband, and the Memorials of Whitlocke, have in every instance been carefully consulted; and from Clarendon, Hollis, Warwick, Saunderson, and other contemporary historians, numerous circumstances have been collected, which greatly contribute to illustrate the Debates and Proceedings in Parliament during this distracted period. Many of the long Declarations, Remonstrances, &c. which passed by way of altercation between the King and the Parliament, it was at one time thought adviseable to omit, or at least to abridge; but when it was considered that these Documents throw great light upon the succeeding transactions; that many of the subsequent disputes took their rise from particular expressions used in them; and that they are no where to be met with entire, but in the Lords' Journals, it was at length determined that the whole of them should be preserved in the present Collection.—The Table of Contents, which has been made out upon an enlarged scale, will be found highly useful, particularly so during the progress of the work, and until the appearance of the GENERAL INDEX which will be given in the last Volume.

July, 1807.

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TABLE OF CONTENTS

TO

VOLUME II.

CHARLES I.

A. D. 1625.		Page
March 27.	ACCESSION of Charles I.—A New Parliament summoned	1
June 18.	The King's Speech on opening the Session—The Lord Keeper's Speech—Sir Thomas Crew chosen Speaker—His Speech—The Lord Keeper's Answer—The Commons appoint a Fast amongst themselves	1
22.	Motion for a good Harmony between the King and Parliament	5
July 5.	The Lords reject the Bill of Tonnage	6
7.	Complaint against Dr. Montagu	6
11.	Lord Conway represents the State of Foreign Affairs	7
August 1.	The Parliament meet at Oxford—The King's Speech—Lord Conway and Sir John Coke declare the State of the King's Affairs—Complaint against Dr. Montagu	8
5.	Debate on a Motion for the Supply—Chancellor of the Exchequer, sir S. Weston, sir E. Coke, the Solicitor-General, sir H. Mildmay, Mr. Corton, sir J Cooke, Mr Strode, sir N. Rich, sir R Cotton	11
8.	A Grand Conference relating to Religion—Archbishop of Canterbury, the lord Conway, the lord Keeper	17
	Petition of both Houses for the Execution of the Laws against Popery, and for advancing true Religion	21
	The Duke of Buckingham gives the King's Reasons for approving of the said Petition	25
	The Duke of Buckingham's Account of the Preparations for the Fleet, and of the Conduct of the War	26
	Debate in the Commons thereupon—Mr. Maynard, Mr. Mallet	33
10.	The King's Message to hasten the Supply	33
	Debate in the Commons on the King's Message—The Master of the Wards, sir Roger North, Chancellor of the Duchy, Chancellor of the Exchequer, sir R. Philips, sir F. Seymour, sir T. Wentworth, sir Heneage Finch, Mr Rolle, sir E. Coke	33
11	The Commons proceed in the Consideration of Grievances, and postpone the Supply	35
	The King dissolves the Parliament—Protestation of the Commons concerning Redress of Grievances	36
	List of Peers summoned to the First Parliament of Charles I.	37
Feb. 6.	A New Parliament called—The King's Speech—The Lord Keeper's Speech—Sir Heneage Finch chosen Speaker—His Speech—All the Commons receive the Sacrament	38
10.	The King's Message concerning sir Edward Coke	44
	Motion in the Commons concerning Scandalous Ministers—Sir B. Rudyard, Mr. Pym, sir John Elliot	45

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		Page
1625.		
Feb. 21.	Conduct of the Duke of Buckingham inquired into	46
	The Commons examine the Council of War	47
	The King's Letter to the Speaker and Message for hastening a Supply—Answer of the Commons—The King's Reply	48
	Mr Coke's Reflections on the Duke of Buckingham—Dr. Turner's Queries against the Duke of Buckingham—His Excuse	50
	Debate on the basis of Dr Turner's Queries, "Whether Common Fame was a sufficient Ground for Accusation." Mr Mallet, Mr. Wyld, Mr. Littleton, Mr. Browne, sir T Wentworth, Mr Selden, Mr Rolle, Mr. Sherland, Mr. Noy	52
1626.		
March 28	The King commands the Attendance of both Houses at Whitehall—His Speech—The Lord Keeper's Speech—The King's further Speech	56
30.	The Duke of Buckingham explains some Misapprehensions of the King's and Lord Keeper's Speeches	60
	The Duke of Buckingham vindicates himself—Lord Conway's Vindication of the Duke	64
April 5	The Commons Answer to the King's and the Lord Keepar's Speeches	67
	The Commons adjourn by the King's Desire	70
	The Lords consider the State of the Realm	70
	Case of Digby Earl of Bristol—The King's Message concerning him	73
17	Resolutions of the Commons against Dr Montagu	78
20	The Commons resolve to proceed against the Duke of Buckingham	79
May 1.	Articles of Impeachment against the Earl of Bristol	80
	Articles of the Earl of Bristol against the Duke of Buckingham	86
	Articles of the Earl of Bristol against the Lord Conway	88
4.	The King's Message concerning the Earl of Bristol's Charge against the Duke of Buckingham	91
6.	The Earl of Bristol's Defence	92
8	The Duke of Buckingham's Speech against the earl of Bristol—The Earl of Bristol's Petition that the Duke and he may be put upon equal terms—The Commons desire a Conference	97
April 22.	The Commons give the Duke of Buckingham notice of their Charge against him—The Duke's Answer	99
25.	Motion in the Commons for a Supply	100
27	A further Charge against the Duke of Buckingham—Managers appointed to conduct the Impeachment	101
May 9.	Questions proposed to the Judges relating to the earl of Bristol	103
11.	The King commits two of the Managers of the Impeachment to the Tower—The Commons desire the Duke of Buckingham may be committed—The Duke's Defence	104
15	The Judges forbidden by the King to give their opinions in the Earl of Bristol's Case	105
	Articles of Impeachment against the Duke of Buckingham—The Duke charges sir D. Digges with treasonable Words at the foregoing Conference	106
	The Commons resent the Imprisonment of sir D. Digges and sir J. Elliot—Sir Dudley Carlton's Speech on that Occasion—The Commons Protestation relating to sir D. Digges—The two Members discharged	119
16	Debate on the Relenesement of sir J. Elliot—Mr Vice Chancellor, sir J. Elliot	122
	Proceedings in the House of Lords relating to the Imprisonment of the Earl of Arundel during the Session	125
19	The Earl of Bristol's Answer to the Articles of Impeachment against him	133
	The Commons commit Mr. More, a Member, for reflecting on the King—Lay a Penalty upon absent Members—Order a Letter of Reprimand to the University of Cambridge for chusing the D. of Buckingham their Chancellor	164
June 8	The Duke of Buckingham's Answer to the Articles of Impeachment	168
12	The Lord Conway's Answer to the Articles of Impeachment	186
9.	The Duke of Buckingham's further Defence upon the Seventh Article	190
	The King's Letter to the Speaker to hasten the Supply—The Answer of the Commons	190
15	The Lords Petition to the King against dissolving the Parliament—The King dissolves the Parliament	192
	The King's Declaration of his Reasons for dissolving the Parliament—	

A D.

TABLE OF CONTENTS.

1626. Page

Remonstrance of the Commons against the Dissolution—[illegible] burning the said Remonstrance—Projects for raising Money [illegible] &c—Persons committed to Prison for refusing the Loan—Petition on his Imprisonment—Sir R Cotton's Advice [illegible] call a Parliament 115

1627

March 17. A New Parliament called—The King's Speech on opening the Session—The Lord Keeper's Speech—Sir John Finch chosen Speaker—His Oration to the Throne—The Lord Keeper's Answer 217

March 20 The Commons receive the Sacrament—Petition of both Houses for a Fast—The King's Answer 220

22 Debate in the Commons upon Public Grievances—Sir F Seymour, sir J. Elliot, sir H. May, sir T Edmonds, sir R Philips, Mr. Godwin, sir B. Rudyard, sir J Wentworth, sir E Coke, sir J Cooke . . . 230

24. Debates in the Commons on the Supply—Mr. Secretary Cooke, Mr. Creskeld 235

A Committee appointed to enquire concerning the Judgment against the Refusers of the Loan—Sir R Philips, sir L. Coke 245

25 The King's Propositions for a Supply 246

1628.

March 26 Conference concerning enforcing the Laws against Recusants—Petition of both Houses concerning enforcing the Laws against Recusants, with the King's Answers 248

April 2. Debate in the Commons on the Supply—Mr. Alford, sir R Mansell, sir T. Seymour, sir N. Rich, sir P. Hayman, Mr Pym, Mr Secretary Cooke, sir D Diggs, Mr. Spencer, sir J Elliot, sir E Coke, sir T. Wentworth, sir H. Martin, Mr. Kirton, sir R Philips, serjeant Hoskins . . 253

Debate in the Commons on Confinement—Mr Selden, sir Thomas Hobby . 256

3. Debate in the Commons on Designation to Foreign Employment—Sir P. Heyman, Mr Hackwell, sir E Coke, sir T. Wentworth, sir J. Elliot . 257

Message from the King in Vindication of the Duke of Buckingham . . 258

Resolutions of the Commons relating to the Liberty of the Subject . . 259

Report of a Conference with the Lords on the Liberty of the Subject—Sir D. Diggs, Mr Littleton, Mr. Selden, sir E Coke 260

4. Debate in the Commons on the King's Message for hastening the Supply—Mr. Secretary Cooke, sir B. Rudyard, Mr. Pym . . . 272

7. Five Subsidies voted—The Duke of Buckingham's Speech thereupon—Sir J. Elliot resents the Duke's Speech 274

10 Message from the King desiring the Commons not to make any Recess at Easter—Sir R Philips, sir L. Coke 276

11. Further Debate on the Supply—Mr. Secretary Cooke, sir D. Diggs, sir T. Wentworth 277

12. Another Message from the King to hasten the Supply—Sir R Philips, Mr. Secretary Cooke, Mr. Wandesford, sir H. May, sir T. Wentworth . 278

Instructions of the Commons to their Speaker in Answer to the King's Message 280

14. The Speaker's Speech to the King on presenting the Petition against Billetting of Soldiers—The Petition—The King's Answer 281

Complaint of the Commons against the Earl of Suffolk, for aspersing a Member of their House 286

Proceedings in the King's Bench against the Gentlemen imprisoned for refusing the Loan, inquired into—The Judges give the Reasons of their Conduct 289

17. Report of a Second Conference between both Houses concerning the Liberty of the Subject—Serjeant Ashley ordered into Custody, for words spoken at the Conference 292

23 A further Conference relating to the Liberty of the Subject—The Lords Propositions thereupon—The Abp. of Canterbury's Speech thereat . 329

28. The King's Speech, desiring the Parliament to rely on his Royal Word for their Liberties 331

Debate in the Commons on the King's Speech—Mr. Secretary Cooke, sir B. Rudyard 332

Debate on a Bill for securing the Liberty of the Subject—Mr Hackwell, Mr. Mason 336

May 1. The King's Message to the Commons to rely on his Royal Word—Mr. Secretary Cooke, sir R. Philips, sir E. Coke, sir T. Wentworth [illegible] 342

1628. Page

May 2. Another Message from the King—Mr Secretary [illegible], and Elliot, sir M. Fleetwood . 344

3 The Commons Answer to the King's Message—His Answer—Debate thereon . 345

6 Proceedings of the Lords on Matters of Privilege—Attorney General delivers in his Opinion concerning Impeachments . 349

Conference concerning the Liberties . 350

12 The King's Declaration to both Houses—Liberty of the Subject—Conference on the Answer . 351

14 Report of the Conference concerning Parliament Debt . 353

17. The Lords Addition to the Petition of Right—Conference thereupon . 355

Debate in the Commons on the Lords Addition to the Petition of Right—Mr Alford, Mr Pym, Mr Hackwell, sir E. Coke, sir T. Wentworth, Mr. Noy, Mr Selden . 356

Reasons given by the Lords for their Addition—Mr Mason's Speech in Answer thereto . 359

23. Report of a Conference concerning the Lords Addition to the Petition of Right . 364

26. The Lords at length give up their Addition to the Petition of Right . 371

27. The Petition of Right agreed to by both Houses and delivered to the King . 373

June 2 The Petition of Right—The King's Answer . 374

3. Mr. Rouse's Charge against Dr Manwaring . 377

The King's Answer to the Petition of Right communicate to the Commons 379

Sir John Elliot recapitulates the Grievances of the Commons . 380

Sir B. Rudyard's Speech for the better Maintenance of the inferior Clergy 385

4. The King's Message to both Houses to expedite Business . 388

Declaration of the Commons against Dr Manwaring—Mr Pym's Speech in support thereof . 388

5. The King's Message requiring the Lords to adjourn . 401

The King's Message forbidding the Commons to meddle with Affairs of State 401

Debate in the Commons on the King's Message—Sir R. Philips, sir J. Elliot, the Speaker, sir D. Digges, sir N. Rich, Mr Kirton, Mr. Wandesford, sir E. Coke, Mr. Kirton, Mr. Sherland, Mr Knightly, Mr. Ashburnham, Mr Pryme, sir A. Croft, sir R. Philips, Mr. Whitaker, Mr. Selden . 403

6 The King's Message of Thanks to the Lords . 405

The King's Message to the Commons by their Speaker—The Speaker, sir R. Philips . 406

7 Further Debate in the Commons on Grievances—Mr. Kirton, Mr. Parker, Mr Windham, sir J. Maynard . 407

The King gives a more explicit Answer to the Petition of Right . 408

12. Bill of Five Subsidies passed . 410

Proceedings against Dr Manwaring—Judgement pronounced against him . 414

16. The Commons complain, at a Conference, of the Commission of Excise . 416

Debate in the Commons relating to the Duke of Buckingham renewed—Sir R. Philips, sir H. May, sir H. Martin, sir B Rudyard, sir T. Jermin . 418

Remonstrance of the Commons against the Duke of Buckingham, as being the Cause of all Grievances—The Duke complains of an Aspersion cast upon him . 420

[illegible] The Lords beseech the King to cancel the Commission of Excise . 428

[illegible] The Lords Exceptions to the Form of the Subsidy Bill—Dr Manwaring's Submission . 428

[illegible] 71 Debate in the Commons on the Bill for Tonnage and Poundage—Their Remonstrance to the King on that Subject . 431

[illegible] 10 The King prorogues the Parliament in disgust—His Speech . 433

[illegible] The Parliament meet again—The Commons Inquiry concerning the Petition of Right—Complaint of Mr. Rolles . 435

[illegible] The Lords resent the conferring of Scots and Irish Honours upon English Gentlemen—Their Petition thereupon . 438

10 Complaint of seizing the Goods of Mr Rolles, a Member, for refusing to pay Tonnage—Sir R. Philips, Mr. Littleton, sir J Elliot—The King's Speech on that Occasion . 441

Jan. 26. Debate in the Commons on Grievances in Religion—Mr. Sherland, Mr. Rouse, Mr Kirton, Mr. Pym, sir F. Seymour, sir R. Philips . 443

Petition of both Houses for a Fast—The King's Answer . 447

The King's Message to hasten the Bill of Tonnage . 449

[illegible]

1628. Page

Jan. 27. The Commons proceed with Religious Grievances—Sir W. Earle, Mr Cor-
ton, sir J. Elliot, Mr Long, sir T. Edmunds, Mr Corton, sir J. Elliot 449
Feb 2. Apology of the Commons for not passing the Bill of Tonnage and Poundage
—The King's Answer 454
3. Debate on the King's Answer—Sir J Elliot, Mr Speaker, Sec. Cooke, sir H.
May, Mr Kirton, Mr. Corton, sir W. Earle, sir H. May, sir J. Perrott 457
4 A Sub-Committee concerning Pardons appointed—Sir R. Philips 468
6 Information against one Witherington, for aspersing the Protestant Re-
ligion—Sir R. Philips reports Mr. Attorney's Answer concerning
Coins 469
9 Report from the Committee relating to the Sheriff of London—Dr Mon-
tagu's Confirmation argued 460
10. Mr. Rolles's Complaint relating to Tonnage—Sir R Philips, sir H. May, Mr.
Selden 461
The Sheriff of London committed to the Tower—Mr. Long, sir F. Seymour,
Mr. Selden, Mr. Kirton, Mr Littleton 462
11. Mr. Selden's Report relating to Tonnage—Proceedings of the Committee
for Religion—Mr. Waller, Mr. Selden, sir B. Rudyard 463
Debate in the Commons concerning Pardons—Mr. Sherland, Mr. Oliver
Cromwell, sir R. Philips, Mr. Kirton, sir M. Fleetwood, sir W. Earle,
sir J. Elliot 464
12. Debate on a Complaint concerning Tonnage and Poundage—Mr. Corton,
sir H May, sir F Edmunds, Mr. Corton, Mr. Waller, sir R. Philips,
Mr. Boyle, Mr. Selden, Mr Littleton 467
14. Proceedings of the Committee for Religion—Sir W. Earle, Mr. Corlton, sir
R Grosvenor, sir R Philips, Mr. Corton, Mr. Selden, Mr. Sec. Cooke 467
Debate on a Commoner's appearing to Answer before the Lords—Mr. Sel-
den, Mr Cooke 472
Answer of the Barons of the Exchequer concerning Tonnage and Poundage 472
Report relating to Popish Priests—Sir T. Hobby, sir N. Rich, Mr. Secre-
tary Cooke, sir J. Elliot, sir F. Seymour, Mr Cooke, sir J. Elliot, sir
N Rich, Mr Selden, Mr Stroud, the Chancellor of the Duchy, Mr.
Selden, sir H Martin, sir F. Seymour 473
17. Report of the Judges' Answer concerning stay of Execution of the Popish
Priests—Mr. Selden, sir R. Philips, sir T. Hobby, Mr Wandesford,
sir T. Barrington, sir M Fleetwood, sir N. Rich 476
19. Debate on the Seizure of the Goods of Mr Rolles, a Member—Mr. Wan-
desford, Mr. Selden, sir N. Rich, sir J. Elliot, sir H. May, sir P Hay-
man, Mr Selden, Mr. Glanville, Mr. Littleton, sir R. Philips, sir H.
May, sir F. Seymour, Mr. Glanville, Mr. Secretary Cooke, sir J.
Strangeways, Mr Banks, Mr. Solicitor, Mr. Selden, sir N Rich, Mr.
Noy, Mr Cooke, sir H. May, sir N. Rich, sir H. May, Mr Kirton,
Mr. Glanville, Mr. Kirton, sir H. May, Mr. Hackwell, Mr. Noy, Mr.
Hackwell, sir H May, sir J Elliot, Mr Cooke 477
23 Report concerning Privileges—Mr Secretary Cooke, sir R. Philips 482
25. Heads of Articles to be insisted on, and agreed upon, at a Sub-Committee
for Religion 483
March 2. Sir John Elliot's Speech against the Lord Treasurer Weston 487
The Speaker delivers the King's Message for an Adjournment, which is not
regarded by the house 487
Sir John Elliot offers a Remonstrance concerning Tonnage and Poundage . 488
The Speaker refuses to put the Question, and, offering to leave the House,
is held in the Chair—The Speaker, Mr. Selden, sir P. Hayman . . 490
The King sends the Black Rod and threatens to force the Door of the
House of Commons 491
10. The King's Speech to both Houses at the Dissolution of the Parliament . 491
The King's Declaration of the Causes of the Dissolution . . . 496
Imprisonment of Mr. Hollis, sir J. Elliot, and other Members—Questions
proposed to the Judges relating to them—Information in the Star
Chamber against them—The Members brought, upon a Habeas Corpus,
before the Court of King's Bench—The Members removed to other
Prisons by the King's Order—The King's Letter to the Judges on that
Occasion—The King sends for the Judges—A Motion to bail the
Prisoners—An Information exhibited in the King's Bench against them
—Sir Walter Long's Case in the Star Chamber—The Judges give their
Opinions on the Case of the Imprisoned Members 504

A. D.

TABLE OF CONTENTS

Page

1628. The [illegible] against false Rumours . . . 524
Occu[illegible]tion in 1628 to the Dissolution of the New Parliament . . . 525

1640
April 13. A New Parliament called—The King's Speech on opening the Session—The Lord Keeper Finch's Speech—The Lord Archbishop of Canterbury's Speech—The Scots Lords to the French King—Edinburgh Castle besieged by Scottish Subjects—His Speech—Speech of Sir Henry Vane, junior, to the King—The Speaker's Reply to the King's Commissioners . . . 528
16. Debate in the Commons on Petition from several Counties relating to Grievances—Sir Harbottle Grimston's Speech—Mr Rudyard, Mr Pym . . . 542
20. The Behaviour of the late Speaker Sir John Finch censured . . . 552
The King's Speech by the Lord Keeper—Debate in the Commons thereon—Mr Pym's Speech . . . 555
22. The Commons resolve to proceed to Grievances before Supply—The King's Speech to the Lords thereon—Heads of Grievances proposed by the Commons . . . 559
25. The Lords at a Conference recommend Precedence to Supply . . . 562
— The Commons proceed with Grievances . . . 564
May 1. The Lords, at a Conference, agree to the Resolution for preferring the Supply . . . 565
2. The King's Message to the Commons to hasten Supply—His Second Message—The King dissolves the Parliament . . . 570
4. The King's Declaration of his Reasons for dissolving the Parliament . . . 572
Remembrances—Proceedings of the Late Parliament—Remarkable Occurrences after the Dissolution . . . 579
Petitions to the King and other Documents . . . 585
A Meeting of the Peers at York—The King's Speech to them—A Treaty with the Scots at Ripon . . . 589

July 3. A New Parliament called—State of the Peerage at this time . . . 591
List of the House of Commons chosen to sit in the Long Parliament, November, 1640—Orders and Resolutions passed and made in, in 1653 . . . 597
The King's Speech on opening the Long Parliament—The Lord Keeper's Speech—William Lenthall, the Speaker, re-elected—His Speech—The King's Speech to the Lords—The Commons appoint several Committees . . . 629
7. Debates in the Commons relating to Grievances—Mr Pym, sir B Rudyard, sir J Holland, Mr Bateman . . . 639
9. A Solemn Fast appointed—Resolutions of the Commons against Monopolists . . . 651
Further Debates in the Commons relating to Grievances—The Lord Digby, sir J Colepeper, Mr Grimston, sir E Dering, sir J Wray, Lord Digby, sir T Seymour . . . 651
10. Proceedings in the Peers relative to the Searching the Studies and Pockets of two Peers . . . 667
20. Remonstrance from the Parliament of Ireland—Orders respecting the Commons receiving the Communion . . . 669
23. Debate in the Commons concerning Religion—Sir E Dering, sir J Wray . . . 670
Dec. 7. Resolutions against Ship Money—Two Subsidies granted . . . 671
11. Petition of the City of London against Bishops, &c. . . . 673
15. Resolutions against the Canons lately made by the Convocation . . . 678
18. The late Breaches of Parliamentary Privileges inquired into . . . 679
Dr W Laud, Archbishop of Canterbury, charged with High Treason—Mr Grimston's Speech thereon . . . 679
19. Informations against Dr Wren, Bishop of Ely . . . 682
Secretary Windebank flies the Kingdom—Articles against him—His Vindication of himself . . . 682
21. Proceedings on the Impeachment of the Lord Keeper Finch—His Apology before the Commons—Mr Rigby's Speech against him—Articles of Impeachment—Lord Falkland's Speech in Support of the Articles—The Lord Keeper's Letter to the Earl of Pembroke after his Escape . . . 685
31. Articles of Impeachment against sir George Ratcliffe—Mr Pym's Speech in Support of them . . . 698
22. Informations against six of the Judges . . . 700
23. Two Additional Subsidies voted—Sir B Rudyard's Speech thereon . . . 701
The Archbishop of Canterbury's Petition to the Lords . . . 701
24. Information against Dr Piers, Bishop of Bath and Wells—Alteration in the Printed Judges Patents [illegible] . . . 702

1640. Page

Jan. 19. Bill for frequent holding of Parliaments—Lord Digby's Speech thereon 702

21. Four Members expelled for being Monopolists 707

22. A Sum voted for the Relief of the Scots—Sir John Wray, sir B. Rudyard . 707

23. A Conference concerning the King's reprieving Goodman, a condemned Seminary Priest 710

The King's Speech to both Houses, relating to the Distraction in the Government 710

29. Remonstrance from both Houses concerning Seminary Priests—The King's Answer—Letter from the Queen to the Commons on the same occasion—Goodman the Priest's Petition to be executed, for Peace-sake . 712

Feb 10. The King's Speech concerning the Marriage of the lady Mary with the Prince of Orange 715

16. The King's Speech on giving his Assent to the Triennial Bill—Both Houses return thanks for the same—Abstract of the Bill 716

Sir S. D' Ewes's Speech concerning the Precedency of the Two Universities 719

Judge Berkeley accused of High Treason—Remarkable Division . . 722

March 5. Lord Andover's Speech concerning the Star Chamber—And the Pacification with the Scots—The King's Offer to reduce the Forest Laws . . . 722

11 Bill for disabling Bishops, &c. from holding civil Offices 725

15. Articles of Impeachment against Dr Cosins—Mr. Rouse's Speech thereon 726

22. Report of a Conference on the State of the Kingdom—Account of Burton, Bastwick, Prynne, &c. 729

Proceedings on the Impeachment of the Earl of Strafford—The Earl's Petition to be heard—The Articles—The Earl's Petition concerning Witnesses—Sir John Wray's Speech for a rigorous Prosecution of the Earl—Sir H. Vane's Notes of Opinions in Council produced against the Earl—The Earl's Defence—Lord Digby's Speech against the Bill for attainting the Earl—The King's Speech in favour of the Earl—Great Tumults about Westminster-hall—Names of the Commoners who voted against the Earl's Attainder posted up—The Commons resent the King's Speech—Bill of Attainder passed—The King perplexed as to giving his Assent thereto—The King's Letter to the Lords for respiting the Execution of the Earl—The Earl beheaded 732

24. The Proceedings against Mr. Burton reversed with Damages 762

1641.

April 15. The Earl of Holland appointed to disband the Armies—Resolutions in favour of Mr. Prynne and Dr. Leighton—Order for Divine Service to be performed by Law—Resolution against the Court at York . . . 763

24. Petition from the Citizens of London concerning Grievances 764

26. Mr. Hyde's Speech against the Court at York 766

Mr. Gervaise Hollis's Speech against the Treaty with the Scots . . 771

27. Bill for fining the Members of the late Convention 772

May 1. Bishop Hall's Speech against the Bill for restraining Bishops, &c. . . 773

3. Informations of desperate Designs against the Parliament 776

Protestation of the Commons for the Defence of the Protestant Religion—Sir John Wray 776

The King's Message to the Lords for suppressing the Tumults—A Conference thereupon—The Protestation taken by the Lords—Mr D Hollis's Speech thereon—Orders and Resolutions for putting the Kingdom in a State of Defence—Sentence against Lilburn in the Star Chamber voted illegal 778

4. The Commons Suspicion of Discontents in the Army—A Letter sent by the Speaker, to assure them of their Pay—A Conference concerning the Dangers of the Kingdom—The Commons pass the Bill for the Continuance of the Parliament—A Second Letter to the Army—The Bill for continuing the Parliament passed—The Avenues to the Parliament searched on the Apprehensions of a Plot—Conference concerning the Stoppage of the Ports—And the Queen-Mother—A Committee appointed to open all Foreign Letters 784

12. Petitions from the Universities in favour of Deans and Chapters . . 789

Explanation of a Passage in the late Protestation 791

14. Bill for restraining Bishops, &c. from intermeddling in Secular Affairs—Lord Newark 792

17. Several great Officers resign—The Commons wish the Queen-Mother to leave the Kingdom 793

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1641 Page.

May 24. Debate in the Lords on the Bill for restraining Bishops—The bishop of Lincoln, the lord Say and Sele, lord Newark 794

27 Sir H. Vane brings in a Bill for the utter abolishing of Bishops, &c.—His Speech 814

31. Taylor expelled for Expressions relating to the Earl of Strafford's Execution 815

June 3 The Lords Reasons for retaining the Bishops Votes in Parliament—The Commons Answer—Lay Preachers reprimanded by the Commons—The Bill for restraining Bishops, &c. rejected by the Lords—Report from the Committee on the Plot—Exceptions against an Expression used by lord Digby—Sir W. Widdrington and Mr Price sent to the Tower for bringing in Candles without an Order—Narrative of the Plot—Lord Digby called up to the House of Peers 816

10 Debate in the Bill for abolishing Bishops—Sir H. Vane, Mr. Waller . 822

12 The Lords vote the late Canons illegal—Conference concerning disbanding the Army 828

15. Debate on a Motion for abolishing Deans, Chapters, &c—Mr. W. Thomas, sir B. Rudyard, Mr Pury 828

Further Proceedings relating to the Plot—State of the Debt due to the English and Scots Armies—Act of Tonnage and Poundage passed by the Commons—Proposal for a Poll-Tax to pay the Armies—Bill against Pluralities and Non-Residence—Foreign Letters stopped and examined by the Lords 840

22 p m The Speaker's Speech to the King at presenting the Bill of Tonnage and Poundage—The King's Answer 844

23. Ten Propositions of the Commons relating to the State of the Kingdom—Orders for disbanding the Army—The Parliament desire the King to defer his Journey into Scotland—The Proceedings against the Abp. of Canterbury revived—Declaration of the English to the Scots Commissioners in relation to the King's Journey—Their Answer—Petition against selling Titles of Honour—Acts passed for raising a Poll-Tax, and for taking away the Star Chamber, &c. 846

July 3 p m The Speaker's Speech to the King, upon presenting the Poll-Tax Bill . . 854

5. The King's Speech at giving his Assent to the Bills for taking away the Star Chamber, &c. 855

The King's Manifesto in favour of the Elector Palatine—Sir B. Radyard's Speech in support of the Manifesto 856

p m. Articles of Impeachment against Dr Wren, Bishop of Ely—Sir P. Parker's Speech in support of them 861

6 Impeachment of Six of the Judges—Resolutions as to Breaches of Privilege 869

7. Debate on the King's Manifesto concerning the Palatinate—Sir B Rudyard, sir S. D'Ewes 870

8 Further Resolutions as to Breaches of Privilege—The Commons resolve to vest the Lands, &c of Archbishops, &c. in Feoffees—Mr Hollis's Speech on behalf of the Palatinate Family—Report of a Conference concerning the Ten Propositions—The Bill for Tonnage, &c. passed—Address of both Houses on the Manifesto relating to the Palatinate—The Royal Assent given to the Tonnage Bill 876

13. Resolutions of the Lords against the Court of the North, ... 882

The Commons order the lord Digby's Speech on the Earl of Strafford's Bill of Attainder to be burnt 882

14. Petition to the King against the Queen's going abroad—The Queen's Answer 884

20 Sir T. Widdrington's Speech on delivering the Articles against the Bishop of Ely 886

The Commons present to the Lords Five Additional Propositions . . 889

The Queen's Message signifying that she has put off her Journey—A Conference on the King's Journey to Scotland—Resolutions relating to the Army Plot—The Earl of Essex appointed Captain General—A Conference on disbanding the Army—And the appointment of a Custos Regni 890

26 Impeachment ordered against the Bishops—Answer of the Scots Commissioners as to disbanding the Army—A Conference about printing the late Protestation—Mr. Hollis's Speech thereon 893

1641. Page

August 3. Serjeant Wylde's Speech on presenting the Impeachment against the Bishops —Conference on the Appointment of a Custos Regni—The Impeached Judges forbidden to go the Circuit 895

7. Reasons of the Commons for desiring the King to delay his Journey—And for sitting on a Sunday—Both Houses petition the King to delay his Journey—Proceedings in relation to the Impeached Bishops—Complaint against the Capuchins belonging to the Queen—Orders of the Lords concerning the Impeached Bishops—Commissioners to attend the King into Scotland—The Lord General ordered to disband the Army—State of the Navy—A Recess resolved on 897

28. Sir B. Rudyard's Speech against suffering the French to hire disbanded Soldiers 904

30 The King's Letter relating to the Scots Treaty—The French Ambassador insulted—Resolutions relating to the Communion-Table, Crucifixes &c.—Further Proceedings concerning colonels Ashburnham and Pollard —Orders relating to the Plague 905

Sept. 9 Orders of the Lords concerning Divine Service—Protest against it— . . . 910
Committee appointed to act during the Recess—Mr Pym's Report of what had been done during the Recess 910

Oct. 23. Bill to disable the Clergy from exercising any Temporal Jurisdiction . . 916

26. Tumults and Disorders—The King's Letter from Edinburgh . . . 917
Proceedings against Judge Berkeley—A Conference concerning the 13 Bishops 917

28. Mr. Smith's Speech concerning the Distractions of the Times . . 922

29. Conference concerning Bishop's Sees—And the Safety of the Prince—A Committee of Lords acquaint the Commons with the Irish Rebellion—A Member expelled for selling Protections 924

Nov 10. Instructions from the Parliament to their Commissioners in Scotland . 927
Mr. Pym's Speech concerning the Danger of Evil Counsels—And Sir W. Drake's—Progress of the Irish Rebellion—The Impeached Bishops put in their Plea 930

13. The Londoners agree to lend Money on certain Conditions—Informations of Plots 936

22. Debate concerning a Remonstrance on the State of the Kingdom—Sir E. Dering—Lord Clarendon's Account of the Debate . . . 937

26. The King orders the Parliament's Guard to be dismissed—The Reasons of the Commons for the Continuance thereof 941

Dec. 1. A Committee appointed to wait on the king with the Petition and Remonstrance 942
Petition and Remonstrance on the State of the Kingdom . . . 943

2. The Speaker's Speech on presenting the Bill of Tonnage and Poundage . 964
The King's Speech to both Houses on his Return from Scotland . . 966

3. A Committee appointed to treat with the Scots—The Irish Rebels require the free Exercise of their Religion—Sir B. Rudyard's Speech thereon—State of the National Debt—Votes of the Commons concerning the Condemned Priests 967

14. The King's Speech relative to the Rebellion in Ireland, and the Bill for pressing of Soldiers—The King's Speech voted to be a Breach of Privilege—The Commons print their Petition and Remonstrance . 968
The King's Declaration in Answer to the Petition and Remonstrance of the Commons 970

16. Protestation of both Houses on the King's Speech on the Pressing Bill 977

17. Remonstrance and Petition of both Houses on the King's Speech on the Pressing Bill—The King's Answer—Further Proceedings towards Suppressing the Irish Rebellion 978

23. Proceedings on the Dismissal of the Lieutenant of the Tower . . . 982

27. Complaint concerning a Report of some Members being in a Plot for seizing the Queen—Petition of both Houses thereupon—The King's Answer 984
The Riots and Tumults about both Houses increase—Mr. Smith's Speech thereon 986
Bishop Hall's Speech in Defence of the Church and Clergy . . . 989

29. The King's Message for raising Volunteers for suppressing the Irish Rebellion—Complaint against lord Digby for aspersing the Commons—Complaint against several Gentlemen for appearing in Arms . . . 991

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1641

		Page
Dec. 30.	Protestation of the Bishops against all Proceedings during their forced Absence from Parliament—Proceedings against the Protesting Bishops—Mr. Rouse's Speech against filling up Five Bishopricks	993
31	The Commons petition the King for a Guard—Mr. Pym's Speech against Lord Digby—The King's Answer to the Petition for a Guard	1001
Jan. 3.	Impeachment of Lord Kimbolton and Five Members of the House of Commons of High Treason—Articles exhibited against them—The Commons desire a Conference for the Vindication of their Privileges	1005
	The King sends the Serjeant at Arms to the House of Commons to arrest the Five Accused Members	1008
4 p. m.	The King comes in Person to the House of Commons and demands the Five Impeached Members—His Speech—The Speaker's Speech—The Commons declare the King's Behaviour a Breach of Privilege	1009
	Speeches of the Impeached Members in Answer to the Articles against them	1019
	Speeches in Vindication of the Privileges of Parliament—Mr. Grimston, Mr. Glyn, Mr. Maynard	1020
5	The King issues a Proclamation for apprehending the Impeached Members, and goes down to York—Lord Kimbolton moves for his Trial—Orders relative to the Magazine at Hull—Bill to enable the Parliament to adjourn to any place—The Commons desire the Removal of the Lieutenant of the Tower	1027
11.	Buckinghamshire Petition against Bishops, &c.—Orders, occasioned by Informations of Plots—The Lieutenant of the Tower sent for by the Lords, but refuses to come	1029
13.	The King's Answer concerning the Magazine at Hull—The King waves any present Proceedings against the Impeached Members—Earl of Monmouth's Speech for the King's Return—The Attorney General examined in relation to the Proceedings against the Accused Members	1031
	Declaration of the Commons for putting the Kingdom in a Posture of Defence	1033
14.	The King's Second Message relating to the Accused Members—Sir P. Stapylton's Speech on Lord Digby's, &c. appearing in Arms at Kingston—The Commons renew their Desire for removing the Lieutenant of the Tower—The Lords refuse to let the Earls of Essex and Holland go to the King at Hampton Court	1035
15 p. m.	Remonstrance from the Commons against the Lord Digby—Examination of the Attorney General relative to the Articles against the Accused Members—The Lords refuse to join with the Commons for removing the Lieutenant of the Tower	1039
17.	Answer of the Twelve Bishops to the Charge against them	1041
	The King's Letter concerning the Safety of the Prince	1042
19	Declaration of the Commons touching the Breach of their Privileges in the Proceedings against the Five Members	1042
	The King's Message, desiring the Parliament to settle all Grievances in a summary way—Their Answer—Conference concerning the Magazine at Hull	1045
	The Commons petition the King to hasten the Trials of the Accused Members—His Answer	1048
22	Mr. Pym's Speech at a Conference occasioned by many Petitions for a Reformation in Church and State—The Petitions	1049
26	Exceptions to Words spoken by the Duke of Richmond—Protest thereon—The Queen's Answer concerning a Report that the Commons intended to accuse her of High Treason	1061
29.	The Commons charge the Duke of Richmond with being a Malignant, and an evil Counsellor—His Defence—The King's Message relative to the Bill for Tonnage—Farther Proceedings against the Duke of Richmond	1062
Feb. 1.	The King's Answer to the Petition concerning the Tower—Both Houses declare the Advisers of it to be Enemies to the Kingdom, and petition the King again	1069
2.	Sir E. Dering expelled for printing his Speeches	1073
4.	Petition to the Commons from the Tradesmen's Wives, for Redress of Grievances—Mr. Pym's Answer to them in the Name of the House	1073

A. D.		Page
1641.		
Feb. 5.	The Lords pass the Bill for taking away the Bishop's Votes—The King's Answer relating to Forts and the Militia—His Answer concerning the Accused Members	1077
7	Debate in the Commons concerning the Militia—Mr. Whitlocke	1078
8.	The King delays his Assent to the Bill against the Bishop's Votes—Reasons of the Commons for hastening it—Mr. Pleydell's Speech concerning Religion	1080
	The King's Letter complaining of a passage in Mr. Pym's Speech	1082
9.	Ordinance of Parliament for raising the Militia—Persons recommended to be Lieutenants of Counties—Answer to the King's Message concerning Mr. Pym's Speech—Petition from the Inhabitants of Cleveland—The King consents to the Removal of the Lieutenant of the Tower	1083
14.	The Lord Keeper's Speech on giving the Royal Assent to the Bill for levying Soldiers and taking away the Bishop's Votes—The King's Message on that Occasion	1087
	Articles of Impeachment against the Attorney General—The Trial of the 12 Bishops deferred—Lord Digby's Letters to the Queen intercepted—Resolutions of the Commons concerning Evil Counsellors—The Lords pass the Militia Ordinance—The 12 Bishops remanded to the Tower—The Queen's Message concerning Lord Digby's Letter to her—Another Petition relating to the Accused Members—Answer of both Houses to the Queen's Message—Trial of the 12 Bishops	1089
21.	The King defers giving an Answer concerning the Militia Ordinance—Both Houses petition again—Impeachment of lord Digby, the Attorney General's Answer—Further Proceedings against the 12 Bishops	1097
24.	The King's Reply to the Commons Answer concerning Mr. Pym's Speech	1101
25.	The King's Letter to the Earl of Berkshire for his Attendance in Parliament	1103
26.	Articles of Impeachment against Lord Digby—Sir J. Evelyn's Speech thereon	1103
28.	Message to the King about removing the Prince—His Answer	1105
	The King's final Answer concerning the Militia Ordinance—Both Houses vote the Answer a direct Denial	1106
March 1.	Declaration that both Houses will dispose of the Militia without the King—The King's Reply—The Parliament insist upon their Declaration, and resolve to put the Kingdom into a posture of Defence	1109
4.	The Bishop of Litchfield and Coventry's Defence, at the bar of the Commons	1111
5.	The Militia Ordinance passed without the King's Consent	1114
7.	Declaration of both Houses, setting forth the Causes of their Fears and Jealousies—Additional Reasons in Support of the Declaration	1114
8.	Proceedings on the Trial of the Attorney General	1121
12.	The King's Speech to the Committee, on their presenting the last Declaration to him at Newmarket—Remarkable passages on that Occasion—Further Proceedings in the Trial of the Attorney General—Vote of the Commons for putting the Kingdom in a state of Defence—The Commons Answer to the King's Reply about Mr Pym's Speech	1125
16.	The King's Message from Huntingdon, respecting Ireland, the Militia, &c—Conference thereupon—Votes of the Commons in consequence thereof—Conference touching an Invasion of England—Resolutions of the Commons against the 12 Bishops—Answer of both Houses to the King's Message from Newmarket—The King's Answer to the Commons reply concerning a Passage in Mr. Pym's Speech	1132
24.	The King's Answer to the Declaration concerning Fears and Jealousies—The King's Objections to passing the Bill for clearing the Accused Members—Information of an Invasion—The Lords refuse to let the Earl of Essex, &c wait on the King at York—Conference concerning an intended Petition from Kent	1141
1642		
March 28.	Petition to the King that the Earl of Warwick may command the Fleet—The Earl of Bristol and Judge Mallet examined touching the Kentish Petition, and committed—Bill of Tonnage passed	1147
31.	Impeachment of George Benyon for contriving a Petition against the Militia Ordinance—The Petition	1149
April 1.	The King's Reply to the Parliament's Answer to his Message from Newmarket	1151

Digitized by the University of Southampton Library Digitization Unit

Page

Apr. 10. [illegible] ces of the Kingdom, and the [illegible] upon—Order for bringing [illegible] ceedings against Sunderland . . . 1155

7. [illegible] Warwick command the Fleet [illegible] Horton—Order concerning a [illegible] ance about removing the [illegible] to the Speaker of the [illegible] . . . 1164

11. The [illegible] Rebellion . . . 1169

12. [illegible] ed to attend him at York, [illegible] consequence thereof . . . 1171

[illegible] against his going to Ireland—The [illegible] at Hull [illegible]—Sentence pro- [illegible] Council—The King's Answer to the [illegible] . . . 1173

[illegible] Oaths of Allegiance—The King's [illegible] Power . . . 1183

[illegible] continuing the Magazine [illegible] . . . 1185

[illegible] ing against Sir John Hotham [illegible]—The Lords justify Sir J. Hotham's [illegible] . . . 1187

[illegible] the Kentish Petition—The [illegible] . . . 1188

[illegible] Hotham's Letter concern- [illegible] ings in the Commons on the [illegible] . . . 1193

30. The [illegible] to the Lords demanding satisfaction against Sir [illegible] . . . 1200

The [illegible] Lords, containing his Reasons for refusing to pass [illegible] . . . 1201

May 2. A C[illegible] to the King from others of the Yorkshire Gentry, con- [illegible] Magazine at Hull—A Committee of both Houses appointed [illegible] ssions—The Earl of Ormond's Successes in Ireland—The [illegible] . . . 1205

3. The Pr[illegible] Answer to the King's Refusal to pass the Militia Bill—And [illegible] Message concerning Sir John Hotham—The Parliament's In- [illegible] the Yorkshire Committee—The Marquis of Hertford's [illegible] the Prince of Wales . . . 1206

5. The King's Answer to the Parliament's Votes and Declaration concerning Sir J. Hotham and Hull—Sir H. Ludlow reproved by the Speaker for [illegible] the King—The Scots Privy Council's Opinion, as to the King's [illegible] . . . 1212

9. The King [illegible] Persons in Yorkshire to obey any Summons of Parliament . . . 1220

10. Propositions of the Commons against Popish Recusants . . . 1220

12. Letter to the [illegible] their Committee at York—The King's Reply to the [illegible] Answer concerning Sir J. Hotham and Hull . . . 1222

16. The King's Reasons against the Bill of Levies for Ireland—The Form of the King's Oath, &c. ordered to be considered—The Yorkshire Committee's Account of the King's Propositions to the Gentry, &c. of that County —The King's Speech to them—Their Answer—The Names of those Gentlemen who were taken by the Sheriff—Their Petition—The King's Answer—The Protestation of the Freeholders of York . . . 1224

17. The intended Removal of the Term to York voted illegal—Resolutions against the King's demanding the Attendance of any Subject . . . 1233

Declaration of both Houses against taking Arms by the King's Command —Further Orders for the Security of Hull—The Speaker's Letter to Sir J. Hotham thereupon—Lord Savile's Letter upon refusing to attend Parliament . . . 1235

19. Letter from the Committee at York relating to the King's raising a Guard —Lord Savile voted guilty of a Contempt, &c. . . . 1236

20. The Parliament resolves That the King intends to make War against them— Their Petition to the King with the said Resolutions—Lord Herbert censured for objecting to the Resolutions . . . 1241

1642.		Page
May	The King's Answer to the Parliament's last Declaration relating to the Militia	1245
21.	Message of Thanks from the Parliament to the Scots Privy Council	1248
23.	Letter to the Parliament from their Committee at York—The Lord Keeper Littleton deserts the Parliament and joins the King at York—The King gets possession of the Great Seal—The Lords appoint a Committee to consider of an Accommodation with the King—The E. of Bristol's Speech thereupon	1269
24.	Order of both Houses for dispersing their Votes, &c.—The Commons appoint Commissioners to assist Sir J. Hotham at Hull, and to consider ways to raise Money	1279
	The King's Answer to the Parliament's Declaration of the 19th of May 1280—A Fifth Letter from the Parliament's Committee at York—An Order of the House of Lords for summoning their absent Members—List of absent Members, &c.	1280
26.	Remonstrance of both Houses, in Answer to the King's Declaration concerning Hull, &c.	1297
27.	Orders of Parliament against removing the Records to York—Instructions from the Parliament to their Commissioners in Lincolnshire and at Hull	1314
27. p. m.	A Committee appointed to consider of Means to prevent a Civil War—Orders to stop Arms and Ammunition going to York—The Magazine of Hull brought to London	1319
30	Lord Keeper Littleton's Petition to the Lords	1319
	The King's Answer to the Parliament's Petition for disbanding his Guard	1320
31.	A Committee appointed to borrow Money of the Citizens of London—Order of Parliament against the King's disposing of the Jewels of the Crown	1323
June 1.	Petition and Advice of both Houses to the King, with Nineteen Propositions—The Commons order their Members to be summoned—The Parliament borrows 100,000 *l.* from the Citizens of London—Ordinance of Parliament for exercising the Militia	1324
4.	The King's Answer to the Parliament's Remonstrance of the 26th of May	1329
6.	Letter from the Parliament's Committee at York—The King's Declaration to the Freeholders, &c. of York—Petition offered by sir T. Fairfax, which the King refuses to accept—Petition to the Parliament on the King's refusing the former—Sir J. Bourchier's Letter on the same Occasion—The King's Proclemation forbidding Obedience to the Ordinance for the Militia—The Parliament's Declaration in Answer to the foregoing Proclamation	1345
7.	Letter to the Lords from Nine Peers at York—Letter from Lord Willoughby concerning the Militia—The King's Letter to him—His Answer—The Lords resolve to support the Lord Willoughby—They pass a Vote against the Nine Peers—Informations of the King's raising Troops	1358
10.	A Subscription set on foot by both Houses, of Money and Horse—Proposition for bringing in Plate, Money, &c.—The Nine Peers at York ordered to be impeached	1362
14.	Petition from Somersetshire, in favour of the King's Proposal for an Accommodation—The Lord Keeper disavows his voting for the Militia Ordinance—Mr. Hollis's Speech upon Impeaching the Nine Lords at York—Order against Printing of scandalous Pamphlets—The Parliament's Success in executing their Ordinance for the Militia—A Call of the House of Commons	1366
16.	The King's Declaration to his Privy Council at York—Their Engagement—The King's solemn Declaration and Profession—Declaration and Profession of the King's Privy Council at York	1373
	The King's Declaration disavowing his Intention of making War against the Parliament	1375
17.	The King grants a Commission of Array	1380
18.	The King's Letter to the Citizens of London, forbidding them to lend Money to the Parliament—The Parliament's Answer—The King's Reply—Ordinance of Parliament for coining Plate	1381
20.	Lord Paget's Reasons for leaving the Parliament, and going to the King	1388
21.	The King's Answer to the Parliament's Nineteen Propositions	1389
25.	The Parliament's Petition to the King, in favour of the Yorkshire Petition, which he had refused—The King's Answer—The Lord Mayor, &c. censured for dispersing a Proclamation of the King's—Debate on the Nine-	

[1] Here a page is lost in the Parliamentary Collection from which this Edition is printed.

1642.

Page

[illegible] Informations from Newcastle—Orders relating to [illegible] furnished for aspersing the Parliament—Orders against printing the King's Declarations, &c. 1394

July 1. The Lord Mayor [illegible] Gurney, unpeached—Advice of the King's [illegible] Impeachment of Mr. Hastings and others for [illegible] the Royal Commission of Array.—The Lord Mayor's Answer to the Impeachment—The Parliament resolve to raise 10,000 Volun- [illegible] Impeachment of the Lord Mayor . . . 1406

11. The Parliament's Proceedings of the King's Evil Counsellors . 1410

[illegible] The Parliament's Proceedings on the King's not complying with the Attendance [illegible] Parliament to raise an Army, and to pe- [illegible] Commissioners—Further Proceedings in the [illegible] 1413

[illegible] Mr Whitelocke, sir D Rudyard . 1415

The Lord [illegible] Parliament . . . 1418

The Earl [illegible] ing the Parliament's Petition to the [illegible] Petition—The King's Answer —The [illegible] 1418

August 1. Ordinance of [illegible] and Peerage . . . 1429

[illegible] Parliament declares for the King—[illegible] Mayor 1433

11. The King [illegible] Subjects Rebels—The Parliament resolve to support them with their Lives and Fortunes—The Parliament's Answer to the King's first Declaration . . . 1442

16. The King's Message to the Commons, [illegible] taking 100,000*l.* from the Subsidy for Ireland—Their Answer 1445

18. Letters concerning the State of Affairs at [illegible] . . . 1448

The Parliament declare all such as assist [illegible] Traitors—Sir R. Gurney removed from his Office of Lord Mayor . . . 1452

19. Mr Oliver Cromwell prevents the University of Cambridge from sending their Plate to the King 1453

20. Declaration of Parliament, occ[illegible] by [illegible] Letter from Yorkshire—Coventry summon'd by the King—The Earl of Bath's Reasons for not attending the Parliament 1454

22. The king sets up his Standard at Nottingham . . . 1456

27. The Earl of Southampton's com[illegible] King's Message for Peace—The King's Me[illegible] The Parliament's Answer 1458

Sept. 2. An Order for [illegible] Stage Plays 1461

5. The King's Second Message for Peace—Resolutions of both Houses thereupon—The Parliament's Answer—The Parliament resolve to abolish Episcopacy 1462

13. The King's Third Message for Peace 1466

14. Impeachment against the Lord Strange for High Treason . . . 1466

16. The Parliament's Answer to the King's Third Message for Peace—The Parliament send a Petition for Peace to the King, to be presented by the Earl of Essex 1468

21. The Parliament's Instructions to their Captain General—A Committee of both Houses appointed to attend their Army—The Earl of Essex assembles all his Forces at Northampton, and the King at Shrewsbury . 1472

The King's Speech and Protestation at the Head of his Army . . 1474

The Earl of Essex's Speech and Protest at the Head of the Parliament's Army 1475

Oct. 3. Letters from the Earls of Essex and Dorset, relating to the Parliament's Petition to the King—Advice of the King's coming to London with his Army . 1477

14. The Parliament's Orders for Defence of the City—Bill for calling an Assembly of Divines—Resolutions relative to Contributions to the Parliament's Loan, &c. 1479

17. The Parliament's Order for assembling the Trained Bands . . . 1480

20. Letters from the Earl of Essex, &c concerning the last Petition to the King 1484

22. The Parliament's Protestation to the whole World, in Vindication of their Proceedings—The King's Answer 1486

The King resolves to march towards London 1494

24. The Parliament and Citizens prepare for their Defence . . . 1496

26. The King's Proclamation of a free Pardon 1496

Relation of the Battle of Edge-hill—Speeches of the lord Wharton, Mr. Strode, the earl of Pembroke, the earl of Holland, and the lord Say and Sele, to the Citizens of London at Guildhall . . . 1494

PARLIAMENTARY PAPERS,

CONSISTING OF

I. Articles of Impeachment,
II. Declarations,
III. King's Letters,
IV. King's Messages,
V. King's Speeches,
VI Ordinances,
VII. Petitions,
VIII. Proclamations,
IX. Protests of Peers,
X. Protestations,
XI. Remonstrances,
XII. Reports,
XIII. State of the Peerage,
XIV. State of the House of Commons,
XV. Persons filling the several High Offices of State, from 1625 to 1642,
XVI. Index of the Names of the several Speakers in both Houses.

I. ARTICLES OF IMPEACHMENT,

1625 Against the Earl of Bristol, 80.
Against the Duke of Buckingham, 86.
Of the Earl of Bristol against the Lord Conway, 86.
1640 Against Secretary Windebank, 689
Against the Lord Keeper Finch, 694.
Against sir George Ratcliffe, 698.
Against Dr. Cosins, 725.
Against the Earl of Strafford, 737.—
1641 Against Dr. Wren, Bishop of Ely, 861.
Against Lord Kimbolton and the Five Members of the House of Commons, 1005.
1641 Against the Attorney General (sir Edward Herbert, 1089.
Against Lord Digby, 1103.
1642 Against George Benyon for contriving a Petition against the Militia Ordinance, 1149.
Against sir Edward Dering for promoting the Kentish Petition, 1188.
Against Mr. Hastings and others, for executing the King's Commission of Array, 1407
Against the Lord Strange for High Treason, 1466.

II. DECLARATIONS.

1626 The King's Declaration of his Reasons for dissolving the Parliament, 193.
1628 Declaration of the Commons against Dr. Manwaring, 385.
The King's Declaration of his Reasons for dissolving the Parliament, 402.
1640 The King's Declaration of his Reasons for dissolving the Parliament, 572.
1641 Declaration of the English to the Scots Commissioners, in relation to the King's Journey—Their Answer, 851.
The King's Declaration or Manifesto in favour of the Elector Palatine, 856.
Declaration of both Houses, for sitting on a Sunday, 890.
1641 The King's Declaration in Answer to the Remonstrance of the Commons on the State of the Nation, 970
Declaration of the Commons relative to the dismissal of the Lieutenant of the Tower, 988
Of the Commons on the King's Conduct in coming to their House and demanding the Five Impeached Members, 1012.
Of the Commons for putting the Kingdom in a Posture of Defence, 1033.
Of the Commons touching the Breach of their Privileges in the Proceedings against the Five Members, 1042.

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D[illegible])
1641 [illegible] Houses, [illegible] will dispose [illegible] the Militia, without the King's [illegible]sent, 1109—The King's Answar, 1248.
Of both Houses, setting forth the Causes of their Fears and Jealousies, 1114—The King's Answer, 1141.
1642 Of both Houses, of the Grievances of the Kingdom, and the Remedies proposed, 1155
Of both Houses, relating to Hull, 1193, 1204—The King's Answer, 1211, 1222.
Of both Houses, against taking Arms by the King's Command, 1235.
Of both Houses recapitulating the Messages, &c. between them and the King, 1240—The King's Answer, 1250.
Of the King, to the Ministers, Freeholders, &c. of York, 1347
Of both Houses, on the King's Proclamation, forbidding Obedience to their Militia Ordinance, 1355.
And Profession of the King to his Privy Council at York, 1313
1642 And Profession of the King's Privy Council at York, 1375
Of the King, disavowing his intention of making War against the Parliament, 1375.
In Answer to the King's Letter to the Citizens of London, forbidding them to lend Money to the Parliament, 1382—The King's Reply, 1384
Of both Houses containing a Narrative of the Proceedings of the King's evil Counsellors, 1410
Of both Houses, against the King's compelling the Attendance of his Subjects, 1413.
Of both Houses, containing their Reasons for taking up Arms, 1433.
Of both Houses, in Answer to the King's Proclamation declaring the Earl of Essex and his Adherents Rebels, 1443.
Of both Houses, on the King's intention of raising his Standard at Nottingham, 1454.

III. KING'S LETTERS,

1625 To the Speaker to hasten the Supply, 47
To the Speaker to hasten the Supply, 100.
1628 To the Lords touching the Liberty of the Subject, 351.
To the Lords for respiting the Execution of the Earl of Strafford, 760
To the Lords concerning the Safety of the Prince, 1042
To the Commons complaining of a Passage in Mr. Pym's Speech, 1080
To the Earl of Berkshire for his Attendance in Parliament, 1103
1628 To the Lord Keeper, stating his Objections to passing the Bill for clearing the Accused Members, 1146.
1642 To the Lords, proposing to go over to Ireland, to quell the Rebellion, 1169.
Requiring the Lords of Essex and Holland to attend him at York, or to quit their Offices, 1171
To the Citizens of London, forbidding them to lend money to the Parliament, 1181—The Parliament's Answer, 1181—The King's Reply, 1181

IV. KING'S MESSAGES,

1625 To hasten the Supply, 33
Concerning sir Edward Coke, 44
For hastening the Supply, 48
1626 Concerning the Earl of Bristol, 78
Concerning the Earl of Bristol's Charge against the Duke of Buckingham, 91
Concerning sir John Elliot, 122.
1628 In Vindication of the Duke of Buckingham, 258.
Desiring the Commons not to make any Recess at Easter, 276
To hasten the Supply, 278.
To the Commons to rely on his Royal Word, 342
To the Commons, 344
To hasten Bridges to expedite Business, 388
1628 Requiring the Lords to adjourn, 401.
Forbidding the Commons to meddle with Affairs of State, 401.
Order to the Lords, 406.
To the Commons by their Speaker, 406.
1630 To the Commons, to hasten a Supply, 510
To the Lords, for suppressing Tumults, 773
To the Lords, relating to the Scots Treaty, 906
For raising Volunteers for suppressing the Irish Rebellion, 991.
Concerning the Accused Members, 1031.
[illegible] Relating to the Accused Members, 1035.

KING'S MESSAGES *(continued.)*

1640 Desiring the Parliament to settle all Grievances in a summary way, 1045.
Relative to the Bill for Tonnage and Poundage, 1058.
To the Commons, relative to their Petition concerning the Tower, &c. 1069.
On giving his Assent to the Bills for levying Soldiers and taking away the Bishop's Votes, 1088
About the removal of the Prince, 1105.
Containing his final Answer concerning the Militia Ordinance, 1106.
From Huntingdon, relating to Ireland, the Militia Ordinance, &c. 1132.
1642 In reply to the Parliament's Answer to his Message from Newmarket, 1151.
Refusing to let the Earl of Warwick command the Fleet, 1164.
Relating to the Garrison at Hull, &c. 1176
In Answer to the Petition against his going to Ireland, 1179.
Complaining of a Treasonable Paper concerning the Nature of Allegiance, 1185.
1642 To the Lords, complaining of Sir John Hotham's refusing him entrance into Hull, 1187
To the Lords, demanding Satisfaction against sir J. Hotham, 1200.—The Parliament's Answer, 1202.
To the Lords, containing his Reasons for refusing to pass the Militia Bill, 1201.—The Parliament's Answer, 1206.
In Answer to the Parliament's Votes and Declarations concerning Sir J. Hotham and Hull, 1212.
Containing his Reasons against the Bill of Levies for Ireland, 1224
To the Commons upon their taking 100,000*l.* from the Supplies for Ireland, 1443.
Their Answar, 1444.
To both Houses for Peace, 1459.—The Parliament's Answer, 1461.
1642 (Second) for Peace, 1462—The Parliament's Answer.
(Third) for Peace, 1466—The Parliaments Answer, 1468.

V. KING'S SPEECHES,

1625 On opening the First Session of his First Parliament, 1.
On the Meeting of the Parliament at Oxford, 8
On opening of the First Session of his Second Parliament, 38.
1626 To both Houses at Whitehall, 56, 60.
1627 On opening the First Session of his Third Parliament, 218
1628 Desiring the Parliament to rely on his Royal Word for their Liberties, 331.
On proroguing the Parliament in disgust, 433.
To both Houses on the Seizure of the Goods of Mr. Rolles, a Member, for refusing to pay Tonnage, 442
To both Houses, on the Dissolution of the Parliament, 491.
1640 On opening the First Session of his Fourth Parliament, 528, 534.
By the Lord Keeper, to hasten a Supply, 553.
To the Lords, on the Resolution of the Commons to prefer Grievances to the Supply, 560.
On dissolving the Parliament, 571.
1640 At a Meeting of the Peers at York, 589.
On opening the Long Parliament, 640.
Relating to the Distractions in the Government, 710
Concerning the Marriage of the Lady Mary with the Prince of Orange, 715.
On giving his Assent to the Triennial Bill, 716.
1641 In favour of the Earl of Strafford, 754.
On the Bill for Tonnage and Poundage, 845.
On giving his Assent to the Bills for taking away the Star Chamber, &c. 895
To both Houses on his Return from Scotland, 966
Relative to the Rebellion in Ireland, and the Bill for pressing Soldiers, 968
In the House of Commons, on demanding the Five Impeached Members, 1009.
To the Committee of both Houses, on their presenting the last Declaration to him at Newmarket, 1125.
1642 And Protestation at the Head of his Army, 1474.

VI. ORDINANCES,

1641 Of Parliament for raising the Militia, 1033.
1642 Of Parliament for exercising the Militia, 1328.
Of Parliament for coining Plate, 1388.
Of Parliament for levying of Tonnage and Poundage, 1400.
1625 Of Parliament, declaring all such as shall assist the King, to be Traitors, 1452.
Of Parliament for suppressing of Stage Plays, 1461.
Of Parliament for assembling the Trained Bands, 1480.

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VII. PETITIONS.

1625 [illegible] Execution of the [illegible] Papers, [illegible] in favour [illegible] with the King's [illegible]

[illegible] Bristol to be put on [illegible] the Duke of Buckingham, [illegible]

1626 On the Dissolving the King against dissolving the Parliament, 193.

Of Sir John Hotham, on his Imprisonment for refusing to subscribe to the Loan, 208

1627 Of both Houses for a Fast—With the King's Answer, 280

1628 Of both Houses for enforcing the Laws against Recusants—with the King's Answers, 348

Of the Commons concerning the Billeting of Soldiers—with the King's Answer, 383.

PETITION OF RIGHT—with the King's Answer, 374, 408.

Of the Lords concerning the Precedency of the late created Barons, Viscounts, and Earls of Scotland and Ireland—with the King's Answer, 458.

Of both Houses for a Fast—with the King's Answer, 447.

1640 Of certain Peers, for calling another Parliament, 585.

Of the Citizens of London for calling another Parliament, 586

Of the Scot's Commissioners for calling another Parliament, 587

Of the City of London against Bishops, &c. 673.

Of the Archbishop of Canterbury Dr. Laud to the Lords, 701.

Of Goodman, a Romish Priest, to be executed for Peace-Sake, 715

1641 To the Commons from the Citizens of London concerning Grievances, 764

From the University in favour of Deans and Chapters, 789

Of both Houses against the Queen's going Abroad—her Answer, 884.

Of both Houses for the King to delay his Journey, 899.

And Remonstrance on the State of the Kingdom, 943

Of both Houses concerning the Report of some Members being in a Plot for seizing the Queen—With the King's Answer, 985

Of the Commons for a Guard—With the King's Answer, 1001.

1641 From Buckinghamshire against Bishops, 1029

Of the Commons for hastening the Trial of the Accused Members, 1048.

From London, Essex, and Hertford, for a Reformation in Church and State, 1049.

Of both Houses, concerning the Tower, 1071.

To the Commons, from the Tradesmen's Wives, &c. for Redress of Grievances, 1072.

From the Inhabitants of Cleveland, for a Reformation in Church and State, 1086

Of both Houses relating to the Accused Members, 1092.

Of both Houses, concerning the Militia Ordinance, 1097.

1642 Of both Houses, that the Earl of Warwick may command the Fleet, 1147.

1642 Of the Citizens of London to both Houses against the Militia Ordinance, 1150

Of both Houses to the King, against his going to Ireland, 1173.—The King's Answer, 1179.

Of the Yorkshire Gentry to the King for continuing the Magazine at Hull, 1185.

From others of the Yorkshire Gentry concerning the same, 1205

From both Houses, desiring the King to disband his Guard, 1242.—The King's Answer, 1320

From Lord Keepor Littleton, to the Lords, 1319

And Advice of both Houses, sent to the King with Nineteen Propositions, 1324.—The King's Answer, 1389.

Of the County of York offered by sir Tho. Fairfax, which the King refuses to accept, 1349.

Of the Citizens of York to the Parliament on the King's Refusal of their former Petition, 1352

From Somersetshire, in favour of the King's Proposal for an Accommodation, 1366

Of both Houses to the King, in favour of the Yorkshire Petition, which he had refused, 1394.—The King's Answer, 1396

Of both Houses to the King, for Peace, 1419.—The King's Answer, 1420.—The Parliament's Reply, 1428

Of both Houses to the King, for Peace, 1470.

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III. PROCLAMATIONS,

1626 For burning the Remonstrance of the Commons against Dissolving the Parliament, 207.
1628 Against false Rumoors, 524.
1642 Forbidding Obedience to the Parliament's Militia Ordinance, 1354.
1642 Declaring the Earl of Essex and his Adherents Rebels, 1442—The Parliament's Answer, 1443.
Of Pardon to those who shall lay down their Arms, 1494.

IX. PROTESTS OF PEERS,

1641 Against an Order concerning Divine Service, 910.
Against a Vote for an Address of Thanks to the King, 1049.
Against a Vote concerning the Duke of Richmond, 1061.

X. PROTESTATIONS,

1625 Of the Commons concerning Redress of Grievances, 37.
Of the Commons relating to Sir Dudley Digges, 122.
1628 Of the Commons concerning Religion, and the Bill for Tonnage and Poundage, 491.
1641 Of both Houses for the Defence of the Protestant Religion, 776.
Of both Houses on the King's Speech on the Pressing Bill, 977.
1641 Of the Bishops against all Proceedings during their forced Absence from Parliament, 993.
1642 Of the King at the Head of his Army, 1472.
Of the Earl of Essex at the Head of the Parliament's Army, 1475.
Of the Parliament to the whole World in Vindication of their Proceedings, 1486.—The King's Answer, 1489.

XI. REMONSTRANCES,

1626 Of the Commons against dissolving the Parliament, 200.
1628 Of the Commons against the Duke of Buckingham, as being the Cause of all Grievances, 420.
Of the Commons, concerning the Bill for Tonnage and Poundage, 491
Of the Commons, concerning Tonnage and Poundage, 488.
1640 From the Parliament of Ireland, on the Decay of Trade, &c. 669.
1640 From both Houses, concerning Semin[ary] Priests—The King's Answer, 712
1641 Of the Commons, on the State of the Kingdom, 946.
Of both Houses, on the King's Speech upon the Pressing Bill, 978.
1642 Of both Houses, in Answer to the King's Declaration concerning sir J. Hotham and Hull, 1297.—The King's Answer, 1329.

XII. REPORTS,

1628 Of a Conference between both Houses on the Liberty of the Subject, 260.
Of a Second Conference on the Liberty of the Subject, 292.
Of a Conference concerning the Petition of Right, 353.
Of a Conference concerning the Lords [illegible] Bishops, and [illegible] Addition to the Petition of Right, 364.
1640 Of a Conference concerning the State of the Kingdom, 729.
1641 Of a Conference concerning the Questering the Thirteen Impeached Bishops, and [illegible]

XIII. STATE OF THE PEERAGE.

1625 List of Peers summoned to the First Parliament of Charles I 37

1640 List of Peers at the opening of the Long Parliament, 597.

XIV. STATE OF THE HOUSE OF COMMONS.

List of the House of Commons during the Long Parliament, distinguishing the several Alterations in that House, whether by advancement to Peerage, undue Election, Death or Expulsion, from the first Meeting, on the 3d of November 1640, to the forcible Dissolution thereof by Cromwell, in April 1653, 597.

XV. PERSONS FILLING THE HIGH OFFICES OF STATE, FROM 1625 TO 1642.

Archbishops of Canterbury.

1625 George Abbot, (continued)
1633 William Laud

Lord High Chancellors.

1625 Sir Thomas Coventry, Knight, (contin.)
1639 Sir John Finch, Knight, Jan 23 (created Lord Finch in 1640)
1640 Sir Edward Littleton, Knight, Lord Keeper, (created Lord Littleton in 1641).

Archbishops of York.

1625 Tobias Matthew, translated from Durham, (continued).
1628 George Montaigne, translated from Durham
1628 Sam. Harsnet, translated from Norwich

Lord High Treasurers.

1625 Lord Ley, afterwards Earl of Marlborough, (continued).
1628 Richard Weston, Lord Weston, Chancellor of the Exchequer, created in 1632 Earl of Portland (Francis Cottington, Lord Cottington, Chancellor of the Exchequer
1 33 William Laud, Archbishop of Canterbury Henry Montagu, Earl of Manchester, Lord Privy Seal; Francis Cottington, Lord Cottington, Chancellor of the Exchequer, Sir John Cooke, Knight, and Sir Francis Windebank, Knight, Principal Secretaries of State; Commissioners of the Treasury
1635 William Juxon, Bishop of London (Edward Lord Newburgh, Chancellor of the Exchequer)
1641 Sir Edward Littleton, Knight, Lord Keeper of the Great Seal, Henry Montagu, Earl of Manchester, Lord Privy Seal, Sir John Banks, Knight, Lord Chief Justice of the Common Pleas; Edward Barnet, Lord Newburgh, Chancellor of the Exchequer, Sir Henry Vane, Knt Commissioners of the Treasury
1642 (Sir John Colepeper, Knight, Chancellor of the Exchequer.)

Lords Privy Seal

1625 Edward Somerset, Earl of Northampton, (continued)
1627 Henry Montagu, Earl of Manchester.

Speakers of the House of Commons.

1625 Sir Thomas Crew, Knight, (continued).
1625 Sir Heneage Finch, Knight.
1627 Sir John Finch, Knight.
1640 John Glanville, Esq.
1640 William Lenthall, Esq

Masters of the Rolls

1625 Julius Cæsar, (continued)
1631 Sir Humphrey May
1636 Charles Cæsar
1641 Sir John Colepeper.

Attorneys General

1625 Robert Heath
1631 William Noy.
1634 Sir John Banks, Knt.
1640 Sir Edward Herbert, Knt.

Solicitors General.

1625 Richard Skelton.
1634 Sir Edward Littleton, Knt.
1639 Edward Herbert.
1640 Oliver St. John

Printed and published by the Record Commissioners appointed by Parliament

XVI.—INDEX OF THE NAMES OF THE SEVERAL SPEAKERS IN BOTH HOUSES OF PARLIAMENT.

HOUSE OF LORDS.

Andover, Lord, 722, 724.

Bath, Earl of, 731.
Bristol, Earl of, 133, 722, 1274.
Buckingham, Duke of, 25, 60, 62, 97, 104, 119, 166, 274, 288, 426.

Canterbury, Abp. of, (Abbot), 330, 413.
Conway, Lord, 7, 9, 19, 66.

Devonshire, Earl of, 288, 304.
Essex, Earl of, 731, 1475.
Exeter, Bishop of, (Dr Hall), 774, 989.

King, The, 1, 8, 30, 56, 60, 103, 218, 285, 331, 347, 374, 409, 434, 442, 492, 528, 534, 560, 571, 629, 638, 710, 715, 716, 754, 855, 968, 1003, 1125, 1226, 1474.

Lincoln, Bishop of, (Dr. Williams), 288, 794.
Litchfield and Coventry, Bishop of, 1111.
Lord Keeper, Williams, 3, 4, 20.
Lord Keeper, Coventry, 32, 56, 218, 226, 292, 331, 572.
Lord Keeper, Finch, 528, 536, 552, 566, 630, 686, 866, 1067.
Lord Treasurer, Ley, 3.

Monmouth, Earl of, 1031.

Newark, Lord, 792, 811.

Richmond, Duke of, 1068.

Say and Sele, Lord, 730, 806.

HOUSE OF COMMONS.

Alford, Mr. 253, 356.
Ashburnham, Mr 404.
Ashley, Serjeant, 315.

Bagshaw, Mr. 649.
Banks, Mr. 480.
Browne, Mr. 54.

Carlton, Sir Dudley, 120.
Chancellor of the Exchequer, (Sir Rd. Weston), 11, 33, 34, 122.
Clarke, Edward, 13
Coke, Sir Edward, 5, 11, 13, 35, 237, 246, 255, 257, 266, 277, 284, 333, 343, 348, 557, 372, 403.
Coke, Clement, 50.
Colepeper, Sir John, 654.
Cooke, Sir John, 9, 237, 238, 272, 278, 332, 342, 348, 471, 472, 473, 474, 482.
Corbin, Mr. 13, 450, 454, 457, 466, 467, 468, 471.
Cotton, Sir Robert, 14, 212.
Crakeld, Mr 240.
Crew, Sir Thomas, *see* Speaker.
Croft, Sir Archer, 404.
Cromwell, Oliver, 464.

Dering, Sir Edward, 670, 814, 937
D'Ewes, Sir Simonds, 714, 870
Digby, Lord, 651, 664, 702, 750
Digge, Sir Dudley, 254, 260, 277, 331, 402.
Drake, Sir W. 832.

Earle, Sir Walter, 445, 457, 465, 467
Edmonds, Sir Thomas, 232, 453, 486.
Elliot, Sir John, 45, 123, 232, 254, 258, 275, 287, 345, 348, 380, 402, 436, 442, 450, 454, 457, 460, 465, 474, 478, 482, 487, 504.

Finch, Sir Heneage, 35, *see* Speaker,
Finch, Sir John, *see* Speaker.
Fleetwood, Sir Miles, 345, 465.
Glanville, Mr. 326, 364, 479, *see* Speaker.
Glyn, Mr. 1023.
Godwin, Mr. 234.
Grimston, Mr. Harbottle, 542, 636, 680.
Grosvenor, Sir Richard, 468.

Hackwell, Mr. 257, 336, 357.
Haslerig, Sir Arthur, 1016.
Heyman, Sir Peter, 254, 257, 479, 491, 505.
Hobart, Sir Miles, 505.
Hobby, Sir Thomas, 256, 479, 479.
Holland, Sir John, 647.
Hollis, Denzil, 504, 778, 877, 894, 1368.
Hollis, Gervase, 771
Hoskins, Serjeant, 246.
Hyde, Mr. 566.

Jermin, Sir Thomas, 418.

Kirton, Mr. 256, 286, 403, 404, 408, 445, 457, 462, 465.
Knightly, Mr. 404.

Lenthall, William, *see* Speaker.
Littleton, Mr 53, 266, 295, 319, 441, 462, 467, 479
Long, Mr 453.

Mallet, Mr. 33, 52.
Mansell, Sir Robert, 253.
Marrin, Sir Henry, 255, 366, 419, 461, 475.
Mason, Mr. 358, 368.
May, Sir Humphry, 33, 232, 279, 418, 457, 462, 466, 479, 480, 482
Maynard, Mr 12
Maynard, Sir John, 468, 1024.
Mildmay, Sir H. 12
More, Mr 164

North, Sir Roger 34.
Noy, Mr 53, 238, 368, 467, 481.

Parker, Mr. 408; Sir Philip, 367.
Perrott, Sir James, 457.
Philips, Sir Robert, 34, 46, 232, 246, 255, 277, 279, 287, 343, 401, 404, 406, 418, 441, 447, 456, 459, 460, 461, 465, 467, 471, 477, 480, 482.
Pleydell, Mr. 1081.
Prynne, Mr. 404.
Pury, Mr. 535.
Pym, Mr. 254, 273, 577, 390, 436, 446, 540, 640, 733, 912, 919, 950, 1002, 1013, 1019, 1076, 1101, 1169.

Rich, Sir Nath. 13, 253, 402, 479, 475, 477, 481.
Rigby, Mr. 692.
Rolles, Mr. 55, 55, 437, 461,
Rouse, Mr. 377, 444, 728.
Rudyard, Sir B. 5, 45, 101, 234, 272, 334, 385, 478, 463, 544, 643, 701, 703, 870, 904, 967.

Selden, Mr. 54, 256, 264, 286, 326, 358, 405, 431, 436, 442, 462, 463, 467, 471, 472, 475, 476, 478, 479, 480, 490.
Seymour, Sir Francis, 34, 231, 253, 447, 462, 474, 476, 666.
Shorland, Mr. 55, 404, 443, 464.
Smith, Mr 922, 987.
Solicitor General, (Robert Heath), 12.
Speaker, The (Sir Thomas Crew), 3.
Speaker, The (Sir Heneage Finch), 41, 191.
Speaker, The (Sir John Finch), 222, 231, 346, 402, 406, 457, 480.
Speaker, The (J. Glanville, esq.), 535, 537.
Speaker, The, (Wm Lenthall esq.), 636, 844, 854, 964, 1010.
Spencer, Mr. 254
Stapylton, Sir Philip, 1036.
Steward, Dr 461.
Strangeways, Sir John, 286, 480.
Strode, Mr 13, 1018.

Thomas, Mr W. 828.
Turner, Dr. 50.

Vane, Sir Henry, 822.

Waller, Edmund, 463, 467, 555.
Wandesford, Mr 279, 403.
Wentworth, Sir Thomas, 34, 54, 235, 255, 258, 278, 278, 344, 357
Weston, Sir R. *see* Chancellor of the Exchequer.
Weston, Sir S. 11.
Whitaker, Mr 405.
Whitlocke, Mr 1078.
Widdrington, Sir T 885.
Windham, Mr. 408.
Wray, Sir John, 662 671, 707, 742, 743, 776
Wylde, Mr. 1, 1121

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COBBETT'S

Parliamentary History.

CHARLES I.—A. D. 1625

NO sooner had Charles taken into his hands the reins of government, March 27th, 1625, than he issued his writs, dated April 2d, for summoning a new parliament on the 7th of May. But on account of the marriage of the princess Henrietta of France, whom the king had espoused by proxy, it was again prorogued to the 13th of June, and from thence to the 18th of the same month.

The King's Speech on opening the Session.] June 18. The King being seated on the throne, the Lords in their robes, and the Commons present below the bar, his majesty commanded prayers to be said, and, during the time of prayers, his majesty put off his crown, and kneeled by the chair of state. Then he pleased his majesty to declare the cause of the summons of this parliament, in manner following:

"My lords spiritual and temporal, and you gentlemen of the house of Commons, in this parliament assembled, I thank God, that the business to be treated on at this time is of such a nature, that it needs no eloquence to set it forth; for I am neither able to do it, nor do it stand with my nature to spend much time in words. It is no new business, being thereby happily begun by my father of blessed memory, who is with God; therefore it needeth the less narrative.—I hope in God you will go on to maintain it, as freely as you advised my father to do it. It is true, he may seem to some to have been slack to begin so just and so glorious a work; but it was his wisdom that made him loth to begin a work, until he might find a means to maintain it: but after that he saw how much he was abused in the confidence he had with other states, and was confirmed by your advice to run the course we are in, with your engagements to maintain it, I need not press to prove how willingly he took your advice, for, the preparations that are made, are better able to declare it, than I to speak it. The assistance of those in Germany, the fleet that is ready for action, with the rest of the preparations, which I have only followed my father in, do sufficiently prove, that he entered, not superficially, but really and heartily, into this action.—My lords and gentlemen, I hope that you do remember, that you were pleased to employ me to advise my father, to break off those two Treaties that were not for him, so that I cannot say, that I came hither a free unengaged man. It is true, I came into this business willingly and freely, like a young man, and consequently rashly, but it was by your interest, your engagements: so that though it were done like a young man, yet I cannot repent me of it, and I think none can blame me but it knowing the love and fidelity you have ever borne to your kings, having myself, likewise, some little experience of your affections. I pray you remember, that this being my first action, and begun by your advice and intreaty, what a great dishonour it were both to you and me, if this action, so begun, should fall of that assistance you are able to give me. Yet knowing the constancy of your love both to me and this business, I needed not to have said this, but only to shew what care and sense I have of your honours and mine own.—I must intreat you likewise to consider of the times we are in now that I must adventure your lives, which I should be loth to do, should I continue you here long; and you must venture the business, if you be slow in your resolutions. Wherefore I hope you will take such grave and wise counsel, as you will expedite what you have in hand to do: which will do me and yourselves an infinite deal of honour; you, in shewing your love to me, and me, that I may perfect that work which my father hath so happily begun.—Last of all, because some malicious men may, and, as I hear, have given out, that I am not so true a keeper and maintainer of the true Religion that I profess, I assure you, that I may with St Paul say, that I have been trained up at Gamaliel's feet: and although I shall never be so arrogant as to assume unto myself the rest, I shall so far shew the end of it, that all the world may see, that no man hath been, nor ever shall be more desirous to maintain the religion I profess, than I shall be.—Now because I am unfit for much speaking, I mean to bring up the fashion of my predecessors, to have my Lord Keeper

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…most his maj. be… …membered his … religion, and … bring his maj. back … a strange land, … absence, and ex… …rm, and hum… …s God had put … would extend it … mate, so disho… …ly hostile arms; … religion; and … …ounts to eat up … acknowledged … secluded from … embraced the … accustomed … ' cando, … ament, … ngratiations, … within … nes to his … occasion … and a benign … all their actions, and of this … that"

…Speaker's answer.] The Lord … on conference with the … this effect: "That his maj. … the Speaker's obedience, … service. That he re… …ld happy, as it was … king, … ined by … the event, in which … Spain were dissolved, … zine of It… … government; … ing being a pru… …ght the desires of … of the Lords — … Speaker's … mention of his en… …with a … noble blood, … ancient Bri… …ected the … God was with … and in from … Amen. … heirs. … that gave … Your … the laws of … is the same to … ancient laws … judgments. And … may that unjust … of the Palatinate the dishonour of … no man can but be sensible of his … for the recovery thereof, he having … lively representation of his affection to … the other day in this place. He now … we who first drew him into this ac… …him such Supplies as will enable … him.' And, as touching the Ba… … the Locusts the Priests and Je… majesty commands that saying of St.

...rose,' That the poorest man hath interest ...Religion' Yet, he desires you to trust him with the manner thereof, and he will be careful to give you good satisfaction of his zeal thereto Lastly, as touching mr. Speaker's petitions for your privileges, his maj grants them all without any limitation, knowing well that yourselves will punish the abuses thereof"

The Commons appoint a Fast among themselves.] The best business done, in the house of commons, was to appoint a solemn Fast amongst themselves.* It had been the custom in several late parliaments to begin in the same manner, but now it was, more particularly, urged, on account of the general Plague which was round them.

Motion for a good Harmony between King and Parliament.] June 22d Sir *B Rudyerd* spoke to this effect "That the late distates between the late king and parliament, were the chief cause of all the miseries of the kingdom The first turn of which, towards a reconciliation, was given by the new king, then prince, by which accrued more benefit to the subject, than in any parliament these many hundred years What may we then expect from him, being king, and having power in his own hands? his good natural disposition; his freedom from vice; his travels abroad; his being bred in parliaments primed greatly Therefore, he moved to take such course now to sweeten all things between king and people, that they may never afterwards disagree"

Sir *Edw Coke* moved, "That there might be no Committees for Grievances or Courts of Justice; first, in respect of the Plague, next, because this was the very beginning of the new king's reign, in which there can be no Grievances as yet; 3rdly, because the Petition against Grievances, in the last parliament of the late king, was preferred too late; only to petition for an Answer to these For, though the Prince is gone the king liveth, no Interregnum."

The rest of this day's debates turned, chiefly on raising a Supply, and the old topic of putting the laws in execution against Jesuits, Popish Priests, &c The Solicitor General acquainted the House, "That the king had taken care of their Grievances preferred the last parliament; and, at any one day the house would assign, satisfaction would be given them therein"

The Plague still raging more and more, in and about London, made the members of both houses very uneasy in their situation at Westminster; some of them taking notice, that the bell was tolling every minute, whilst they were speaking. At the petition of both houses, the king proclaimed a general Fast, all over the kingdom, on a certain day; and his maj. in person, went with the two houses to prayers and sermon, at St Margaret's church in Westminster.

July 4. Sir Edw Coke reported the king's Answer to the Commons Petition, about a recess from parliament, at this sickly season: "That the king had taken their safety, which he valued more than his own, into consideration; and when he should hear the Commons were ready with their bills (for he would not hasten them in any thing,) he would put an end to the session."

The Lords reject the Bill of Tonnage.] July 5 The bill for granting two entire Subsidies, passed the commons, Tonnage and Poundage was also given; but because it was limited for one year, whereas former grants to his majesty's predecessors were for life, the house of lords would not pass it It was also declared, "That the intention and resolution of the house was, as in the act of subsidy, 21 Jac that all charges mentioned there, are to be deducted out of the Subsidies and Fifteenths, and to be paid according to that act."

Complaint against Dr. Montagu.] July 7. An affair came on in the House of Commons, which made a considerable noise at this time. A Complaint had been made there against one dr Montagu, for printing and publishing a book, called "An Appeal to Cæsar." The Recorder of London, one of the committee appointed to examine into this matter, made a report, "That the abp. of Canterbury had censured the said dr Montagu for a former book,† and had told him, that tho' there were some things in it which might receive a favourable interpretation, yet there were others in it not of that nature. In which the committee all agreed, That the abp had done what was fitting but they were of opinion, That there were many things contained in the doctor's book directly contrary to the Articles of Religion established by parliament: as, that the Church of Rome was 'vera Christi ecclesia, & sponsa Christi,' and that the said church 'eadem fundamenta doctrinæ & sacramentorum habet' That the committee held this second book as factious and seditious, tending manifestly to the dishonour of the late king, and the disturbance of both church and state. For the first, he denies that Arminius was the first that infected Leyden with errors and schisms that the Synod of Dort, so honoured by the late king, was lighted by him, calls it 'forinsecus,' and partial, he knows not what ends they had, nor cares for them He directs his book to the present king, and calls it 'Appello Cæsarem,' and yet says the Pope is not Antichristus; which is contrary to what the late king himself had wrote to all Christian princes. The committee think that there is enough in this book to put a jealousy between the king and his well-affected subjects. Says there are some amongst us that desire an Anarchy, and means

* In the year 1581, the Commons having appointed a Fast, by their own authority, the queen highly resented it as an intrusion upon her authority ecclesiastical, see Vol. I. p. 812.

† The first book was called, "A new Gag for an old Goose," in Answer to a Popish Book, called, "A Gag, for the new Gospel"

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had been to destroy the enterprize. I therefore adjourned you to this place; a place then free from that infection, with which it hath pleased God since also to visit. Here, then, to hold you long against your own desires, were to express little care of your safeties, and to adjourn it, without your further helps, were to destroy the preparations already made. I therefore leave the care of both to your elections, resolutions, and answers, only acquainting you with my own opinion, which is, That it is better far, both for your honours and mine, that, with hazard of half the fleet, it be set forth, than, with the assured loss of so much provision, it be stayed at home. The whole particular of all Expences about this Preparation shall be laid before you, when you shall be pleased to overlook them, and the Lord Treasurer, with other ministers employed, shall acquaint you with them."

Lord Conway and Sir John Cooke declare the State of the King's Affairs.] After his majesty had ended this speech, he commanded his secretaries, the lord Conway and sir John Cooke, more particularly to declare the present State of his Affairs, which they did to this effect: "That our sovereign lord king James, of famous memory, at the suit of both houses of parliament, and by the powerful operation of his may. that now is, gave consent to break off the two Treaties with Spain, touching the Match and the Palatinate That it was then foreseen a war would ensue, the a being no other means to recover the Palatinate, nor to vindicate the many wrongs and scorns done unto his majesty and his royal children: besides, if the king of Spain was suffered to proceed in his conquests, under pretence of the Catholic Cause, he would become the Catholic Monarch, which he so much affects, and aspires unto. Also amidst these necessities, our late king consulted that he might run a hazard with his people, who being so long inured to peace, were unapt to war, that the uniting with other provinces in this undertaking, was a matter of exceeding difficulty. This drew him to new treaties for regaining his children's right, which were expulsed by the friends and agents of Spain, and wherein his majesty proceeded as far as the wisest prince could go, and suffered himself to be won unto that, which otherwise was impossible for his royal nature to endure. He considered also the many ill-alliances abroad, the duke of Bavaria, by force and contract, had the Palatinate in his own possession; most of the electors and princes of Germany were joined with him; the estates of other princes, most likely to join in a War of Recovery, were seized and secured, and all by a conquering army: besides, the emperor had called a diet, in which he would take away all possibility of recovering the honour and inheritance of the Palatinate thus it stood in Germany. And, in France, the king there chose to sheath his sword in the bowels of his own subjects, rather than to declare against the Catholic Cause. In the Low Countries, the sect of the Arminians prevailed much, who inclined to the Papists rather than to their own safety, notwithstanding that the enemy had a great and power ful army near them; so that his majesty was enforced to protect and countenance them [illegible] army 6000 men from hence, with a [illegible] nation of repayment of the Charges, and the like supply further, if required. Moreover, he sought alliance with France, by a Match for his royal majesty that now is, thereby to have interest in that king, and to make him a party. The last consideration was his majesty's own honour, who had laboured with the two kings of Denmark and Sweden, and the German princes from whom he received but cold answers, they refusing to join, unless they first saw his army in the field: but of this he was very tender, unless the league was broken, or he first were set upon. The forces of an army were considered, and the way of proceeding, whether by invasion or diversion the Charges thereof appeared in parliament to be 700,000l. a year; besides Ireland was to be fortified, the Forts here repaired, and a Navy prepared, he thought it feasible to enter into a league with the French king, and the duke of Savoy and Venice. Hereupon an army was committed to count Mansfield, the charge whereof came to 20,000l.* a month to his majesty's grant, also he commanded the preparing of this great fleet all which so heartened the princes of Germany, that they sent ambassadors to the kings of Denmark and Sweden, and those two kings offered a greater army, both of horse and foot, to which his maj was to pay a proportion. Count Mansfield's army, though disastrous, produced these happy effects 1 It prevented the Diet [illegible] held by the emperor 2 The German princes gained new courage to defend themselves and oppose their enemies 3. The king of Denmark hath raised an army, with which he is [illegible] in person as far as Minden † The conflicts of France and Italy have prosecuted a war in Milan, and Peace is now made by the French king with his own subjects, so that his army, breath is given to our Affairs.—This parliament is not called in meer formality upon his now majesty's first coming to the crown, but upon these real occasions, to consult with the lords and commons. two Subsidies are already given, and graciously accepted; but the monies thereof, and much more, are already disbursed A Fleet is now at sea, and hastening to their rendezvous, the Army is ready at Plymouth, expecting their commanders His majesty's honour, religion, and the kingdom's safety, is here engaged; besides, he is certainly advised of designs to infest his dominions in Ireland, and upon our own coasts, and of the enemy's increase of shipping in all parts These things have called the parliament hither, and the present Charge of all amounts to above 400,000l. the farther prosecution whereof, the king he-

* In Rushworth 70,000l.

† So then [illegible] Dec. 1624 at

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Debate

Mr. *Coryton* moved for a committee, to consider of what was fit to be done, both for Supply of the king, and relief of the kingdom.

Sir *J. Cooke* moved that the Commission for the Navy might be examined.

Mr. *Strode* moved, for a grand committee presently, to consider of the King's Supply, and that all who spoke in the committee might apply themselves to this, How two Subsidies and Fifteens, payable more than one year hence, can supply a navy, to go out in fourteen days.

Sir *Nath. Rich* said, that they ought not to refuse to give at all; but, first, to represent their wants to the king, first, for Religion, to have his majesty's answer in full parliament, and then enrolled; which then would be of force with an act of parliament. Next, to know the enemy against whom War was to be made. The Necessity of an advised Counsel for governing of the great affairs of the kingdom. The Necessity of looking into the King's Revenue. To have his majesty's Answer concerning Impositions on Wines. And though the time was not now fit for the decision of all these points, yet a select committee to be appointed to set down the heads of them, and then to have the King's Answer to them in parliament, the doing of which, he said, was no capitulation with his majesty, but an ordinary parliamentary course, as 22 Edw. 3 and that without which the commonwealth could neither supply the king, nor subsist.

Mr. Rushworth tells us,* that the anti courtiers were freer than all this with the ministry. At this debate, he says, they urged, "That great sums of money were given for peace, to the value of 140,000*l* at least. That the king ought to contribute to help the Palatinate's cause with his own estate. That the time of the year was too far spent for the fleet to go out for service. That enquiry ought to be made, Whether the duke brake not the Match with Spain, out of spleen and malice to Conde Olivares? Whether he made not the Match with France upon harder terms? And whether the ships, employed against Rochel, were not maintained with the Subsidies given for the relief of the Palatinate? Of all which there is no mention in the Journals. Though, indeed, there is not the reason to believe they might have been set in the course of this debate, by what followed. For Mr Edward Clarke, a member, used an expression in a speech, "That there had been speeches there, with invective bitterness, and very unseasonable for the time." On which there was a general exclamation, "*To the Bar*;" and, being ordered to explain himself there, he gave still greater offence. He was then further ordered to withdraw, while the matter was debated in the house. Some urged for expulsion; others said, though the offence was great, yet the punishment ought to be more moderate. At length, it was agreed, "That he should kneel at the Bar, and the Speaker to let him know the House had taken just offence at his words, and therefore that he should stand committed to the serjeant during the pleasure of the house." But, the next day, upon submission made, he was released.—In the course of this Debate,

Sir *Robert Cotton*, the learned Antiquary, spoke as follows: "Mr. Speaker, Although the constant zeal I bear to this house of commons did well warrant my appearance in censuring that disadvised member the last day, for trenching so far into their ancient liberties, and might encourage each worthy servant of the public here, to offer up freely his counsel and opinion; yet, since these walls cannot conceal from the ears of captious, guilty and revengeful men without, the counsel and debates within; I will endeavour, as my clear mind is free from any personal distaste of any one, so to express the honest thoughts of my heart, and discharge the best care of my trust, as no person shall justly tax my innocent and public mind, except his conscience shall make him guilty of such crimes as worthily have, in parliament, impeached others in elder times. I will therefore, with as much brevity as I can, set down how these disorders have, by degrees, sprung up in our state and commonwealth, how the ill of the best and wisest age and of our ancestors like; and, lastly, what medicinal cure I could wish to be followed by our wisdoms, in this so happy spring of our hopeful master. For, mr Speaker, in our time I judge, but to present the rudeness is above the eloquence of parliamentary men. Yet, mr Speaker, so late as those times of the late queen, it may be safely said, with God's blessing and her own wisdom, the state was not only great, but also glorious. Her commissioners and generals not so often employed as in former times, and then abused; pensions not so many, though more than in the late queen's time, for they exceeded not 18,000*l*. nor the 120,000 *l*. of fee-farms now were carried away in the days of queen Elizabeth; nor monopolies to sell, for prices of wines, laws against private and fraudulent grants were executed, resort of foreign ambassadors honourably entertained and dismissed, but still by duly invited and chosen counsel, and by their own pen, declaring his princely intercession; the nobility exercised in martial affairs as arms, not any train-soldier practised in any place more. For matters of state, the Council-Table held up their ancient dignity. So long as my lord of Somerset held the seal of grace and law, by his many virtues, the trust of the signet seal, he can avoid glory justly, that there passed neither to himself, or his friends, any long grant of his kingness' lands or pensions for of that which himself had, he paid 20,000*l*. towards the marriage-portion of the king's daughter. His care was to pass no monopoly or illegal grant, and that some

* See Collections, Vol. I. p. 180.

* Taken from his Posthumous Works published by mr. Howell, anno 1651.

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members of th[illegible] by his charge unto them. No[illegible] of honour as a breach upon the nobility, in such w[illegible] Roper's [illegible] to be made [illegible] then offer[illegible] farther [illegible] here [illegible] dealing [illegible] from; an[illegible] faith of [illegible] Gondom[illegible] did term[illegible] Thus [illegible] maj. when the [illegible] upon h[illegible] What th[illegible] we may [illegible] Spain w[illegible] an honest man [illegible] employing suspected p[illegible] con[illegible] Th[illegible] Palatinate [illegible] proved [illegible] ness's children [illegible] more mat[illegible] then, th[illegible] fit t[illegible] and fast a[illegible] and dangerous tr[illegible] master [illegible] and [illegible] Error [illegible] we [illegible] the county of [illegible] bish Wickham's [illegible] for p[illegible] when [illegible] liament. Th[illegible] laid to De la [illegible] in stu[illegible] in Fran[illegible] nate W[illegible] great pow[illegible] before) to effect [illegible] have l[illegible] alm[illegible] subjects [illegible] What G[illegible] have lately [illegible] As that of Tie-Hill-street, Gold-Hill-end, Peter[illegible] mutt[illegible] which will [illegible] on parliament [illegible] those of Lyon and Lumbar — The duke of Suffolk in the time of Hen[illegible] on pretending such another [illegible] to de[illegible] gain of the common law, was impeached in parliament. The Chief of Hu[illegible] as the most [illegible] of the state, now set to sale. Parliaments have been [illegible] tors to the king to bestow those [illegible] ce, [illegible] in the time of Edw 3. Hen 5 [illegible] Hen 6 [illegible] Edward [illegible] only, I can all the [illegible] of the last de[illegible] have put these last 500 years. So tender was the [illegible] of elder times, that it is an article 28 Hen 8 [illegible] parliament against the duke of Suffolk, that he had pro[illegible] the himself, and [illegible] [illegible], such Duke of Honour, and those so irregular, that he was the first that ever was earl, marquis and duke of the [illegible] [illegible] I remember the number, [illegible], that is of late [illegible] a [illegible] tenure and how this prop[illegible] ty sat with the profit of the state, we cannot tell [illegible] [illegible] now in other recompence [illegible] ty rewards from the king, but, we [illegible] a title [illegible] that with [illegible] most noble [illegible] persons have been advanced truely to places of greatest trust, I should [illegible] Such [illegible] were undermined in the [illegible] 2 tor[illegible]s, [illegible] pond[illegible]s and the king, not putting in his friends and [illegible] ; not leaving, either in the church or [illegible] with, a plea to any before a due [illegible] to [illegible] for [illegible] dependence The [illegible] as [illegible] parliament in De la Pol [illegible] [illegible] soul hearing unto [illegible] ull, who [illegible] treasurer lately told us of [illegible] [illegible] [illegible] conspiracies, and [illegible] [illegible] [illegible] where I wish may [illegible] [illegible] with her, [illegible] may be to our enemies [illegible] [illegible] to our friends, I cannot tell. The [illegible] they have [illegible] [illegible] It was [illegible] [illegible] time [illegible] [illegible] [illegible]

... of the crown were so rent away by ill ... that the king was inforced to live 'de ... populi:' that the king was grown in ... 'quinque centena millia librarum' that ... great favourite, in treating of a foreign marriage, had lost his master a foreign duchy: that to work his ends, he had caused the king to adjourn the parliament 'ad finis & remotos partibus regni,' where few people, 'propter defectum hospitii & victualium' could attend, and by shifting that assembly from place to place, to inforce (I will use the author's own word) 'illos paucos, qui remanebant de communitate regni, concedere regi quamvis pessima.' When the parliament endeavoured by an act of resumption, the just and frequent way to repair the languishing state of the crown (for all from Hen 3 but one, till the 6 Hen 8 have used it) this great man told the king it was 'ad dedecus regis,' and forced him from it to which the Commons answered, although 'exanti laboribus & expensis, nunquam concederent taxam regi,' until by authority of parliament, 'resumeret actualiter omnia pertinentia coronæ Angliæ' and that it was 'magis ad dedecus regis,' to leave so many poor men in intolerable want, to whom the king stood then indebted. Yet nought could all good counsel work, until by parliament that bad great man was banished which was no sooner done, but an act of resumption followed the enrollment of the act of his exilement That was a speeding article against the bishop of Winchester and his brother, in the time of Edw. 3 that they had ingrossed the person of the king from his other lords. It was not forgotten against Gaveston and the Spencers, in the time of Edward 2. The unhappy ministers of Rd 2. Hen 6. and Edw 6. felt the weight, to their ruin, of the like errors. I hope we shall not complain in parliament again of such —I am glad we have neither just cause, or undutiful dispositions, to appoint the king a counsel to redress those errors in parliament, as those 42 Hen. 3 We do not desire, as 5 Hen 4 or 29 Hen 6 the removing from about the king any evil counsellors We do not request a choice by name as 14 Edw. 2 3. 5 11. Rd 2. 8 Hen 4 or 31 Hen 6 nor to swear them in parliament, as 35 Edw 1. 9 Edw. 2. or 5 Rd. 2. or to bind them out their directions of rule, as 43 Hen. 3. and 8 Hen 6. or desire that which Hen 3 did promise in his 42d year, 'se acta omnia per assensum magnatum de concilio suo electorum, & sine eorum assensu nihil.' We only in loyal duty offer up our humble desires, that since his majesty hath, with advised judgment, elected so wise, religious, and worthy servants, to attend him in that high employment; he will be pleased to advise, with them together, a way of remedy for those disasters in state, brought on by long security and happy peace; and not be led with young and single counsel."

A grand Conference relating to Religion.] We now return to the Lords' Journals, for an affair of no small moment, since the conse-

... of it determined the fate of this parliament. It is very imperfectly inserted in the Journals of the Commons, and more so in Rushworth.

Aug. 8. This day the Lords sent a Message to the Commons, "That they had received one from the king, which was to be delivered to the lords and commons together, by the lord keeper and the duke of Buckingham, and that his maj. had commanded the lord keeper to require the lord treasurer, the lord Conway, and sir John Cook, to assist his grace therein. Upon which account, the lords required a present meeting with their whole house, in the great hall of Christ Church, if it suited their convenience"

The Answer returned was, "That the Commons would meet, at the time and place appointed, with their Speaker and the whole house. And, as intimation was given, that there might be occasion for a worthy member of their house, in delivering the message from his maj., though it was against the very fundamental privileges of the house of commons, yet they gave way to it, with this proviso, That he speak, as the king's servant and commissioner, and not as a member of their house." —At the same time, the Commons ordered, within themselves, That, as the Speaker and the whole house went up, if the Lords kept bare, to do the same; if they covered, then the Speaker and the rest to cover also

Aug 9 The Report of this grand Conference between the two houses was made in the house of lords, by dr Abbot, abp. of Canterbury and first, on what had been offered by the Commons concerning Religion "That they presented a Petition, directed to his maj. desiring this house to join with them therein; the effect whereof was, That whereas the lords and commons did, at their last meeting, present a Petition to his maj for advancement of God's true Religion and suppressing the contrary, unto which his maj. vouchsafed, as well by his own mouth, as by the lord keeper's, on the 11th of July last, to return such an Answer as gave them assurance of his royal performance thereof, yet, at this meeting, they find that, on the 12th of July last, his maj. granted a pardon unto Alexander Baker, a Jesuit, and ten other Papists; which, as they are informed, was upon the importunity of some foreign ambassador, and that it passed by immediate warrant, and was recommended by the principal secretary of state, without paying the ordinary fees. Also, That divers Copes, Altars, Chalices, &c. being found in the house of one Mary Esmond, in Dorsetshire, by two justices of the peace; they thereupon tendered her the oath of allegiance; which she refusing, they committed her to the constable, from whom she made her escape and complained to the king That the said secretary of state did write unto these justices in her favour, all which they humbly desired his maj to take into consideration, and to give a due, effectual, and speedy redress therein"

in own weakness, it might utterly discourage [illegible]; were it not that reflecting again upon [illegible] plainness and sincerity, wherewith a king should deal with his people, he found himself the fitter for the employment, in that he was sure he should deliver it without rhetorick or art. As concerning the Petition, he could dispatch that in two words; that is, by giving a full assurance that all was granted which was desired, but held it fitter, for more satisfaction, to read the Petition with the Answers annexed, and they were read accordingly, by mr. Attorney, in haec verba

" The Petition of both Houses for Execution of the Laws against Popery, and for advancing true Religion.

" To the King's Most Excellent Majesty

" Most gracious Sovereign; It being infallibly true, that nothing can more establish your throne, and assure the peace and prosperity of your people, than the unity and sincerity of Religion. We your most humble and loyal subjects, the lords spiritual and temporal and commons of this present parliament assembled, observing that of late there is an apparent mischievous increase of Papists in your dominions, hold ourselves bound in conscience and duty to represent the same to your sacred majesty together with the dangerous consequences of the increase of Popery in this land, and what we conceive to be the principal Causes thereof, and what may be the Remedies

" The Dangers appear in these Particulars. 1. Their desperate ends, being the subversion both of Church and State; and the resolveness of their spirits to attain these ends, by doctrine of their teachers and leaders, persuading them, that therein they do to God good service. 2. Their evident and strict dependency upon such foreign princes, as no way affect the good of your majesty and this state. 3. Their using a way of popularity to the multitude, by who shall advance or make most show of zeal of so great a party.

" The principal Cause of the Increase of Papists. 1. The want of the due execution of the laws against Jesuits, Seminary Priests and Popish Recusants, occasioned partly by the connivency of the state, partly by defect in the laws themselves, and partly by the manifold abuses of officers. 2. The interposing of foreign princes by their ambassadors and agents in favour of them. 3. Their great confluence to the city, and frequent conferences and conventicles there. 4. The open and usual resort to the houses and chapels of foreign ambassadors. 5. The education of their children in seminaries and houses of their religion in foreign parts, which of late have been greatly multiplied and enlarged for the entertaining of the English. 6. That in some places of your realm, your people be not sufficiently instructed in the knowledge of true Religion. 7. The licentious printing and dispersing of Popish and seditious books. 8. The employment of men ill-affected in religion in places of government, who do, shall, or may countenance the Popish party.

" The remedies against this outrageous and dangerous disease, we conceive to be these ensuing: 1. That the youth of this realm be carefully educated by able and religious schoolmasters, and they to be enjoined to catechize and instruct their scholars in the grounds and principles of true religion. And whereas, by many complaints from divers parts of the kingdom, it doth plainly appear, That sundry Popish scholars, dissembling their religion, have craftily crept in, and obtained the places of teaching in divers counties, and thereby infected and perverted their scholars, and so fitted them to be transported to the Popish seminaries beyond the seas; that therefore there be great care in the choice and admission of schoolmasters, and that the ordinaries make diligent enquiries of their demeanors, and proceed to the removing of such as shall be faulty, or justly suspected."—*His Majesty's Answer.* " This is well allowed of, and for the better performance of what is desired, letters shall be written to the two archbishops, and, from them, letters to go to all the ordinaries of their several provinces to see this done, the several ordinaries to give account of their doings herein to the archbishops respectively, and they to give account to his majesty of their proceedings herein "—*Ib.* " That the ancient Discipline of the Universities be restored to the famous nurseries of literature and learning " &c. This is approved by his majesty and the chancellor of each university shall be required to cause due execution of it. —*Ib.* " That special care be taken to enlarge his Majesty's dominions, as being the most powerful means for propagating of true Religion, and consequent of the contrary: to which end, among other things, may it please your majesty, that your Bishops, by utterly intreatment and further usage, to reduce to the peaceable and orderly service of the church, such able ministers as have been formerly silenced, that there may be a profitable use of their ministry in these needful and dangerous times: and that Non-residency, Pluralities, and Commendams, may be moderated. Where we cannot but most humbly to thank your majesty for diminishing the number of your own chaplains; and doubting of the like princely care for the well-bestowing of the rest of your benefices, both to the comfort of the people, and the encouragement of the Universities, being full of grave and able ministers unfurnished with livings." *Anss.* This his majesty likes well, so it be applied to such ministers as are peaceable, orderly, and conformable to the church government. For Pluralities and Non-residencies, they are now so moderated, that the archbishops affirm, there be now no dispensations for Pluralities granted; nor no man is allowed above two benefices, and those not above 30 miles distant and for avoiding Non-residence, the canon, in that case provided, shall be duly

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to their several countries, there to remain confined within five miles of their places." *Answ.* For this the laws in force shall be forthwith executed.—XIII. " And whereas your maj. hath strictly commanded and taken order, that none of your natural-born subjects repair to the hearing of Masses, or other superstitious service at the chapels or houses of foreign ambassadors, or to any other places whatsoever; we give your maj. most humble thanks, and desire that your order and commandment therein may be continued and observed, and that the offenders herein may be punished according to the laws" *Answ.* The king gives assent thereto, and will see that observed which herein hath been commanded by him.—XIV " That all such Insolencies, as any that are popishly affected have lately committed, or shall hereafter commit to the dishonour of our religion, or to the wrong of the true professors thereof, be exemplarily punished" *Answ.* This shall be done as is desired.—XV. " That the statute of 1 Eliz. for the payment of twelvepence every Sunday, by such as shall be absent from divine service in the church, without a lawful excuse, may be put in due execution, the rather, for that the penalty, by law, is given to the Poor, and therefore not to be dispensed with all."—*Answ.* It is fit that this Statute be executed, and the Penalties shall not be dispensed withall.

XVI. " Lastly, That your maj. would be pleased to extend your princely care also over the kingdom of Ireland, that the like courses may be there taken for the restoring and establishing of true Religion"—*Answ.* His maj.'s cares are, and shall be extended over the kingdom of Ireland; and he will do all that a religious king should do for the restoring and establishing of true Religion there.—And thus, most gracious sovereign, according to our duty and zeal to God and Religion, to your maj. and your safety, to the Church and Common-Wealth, and their peace and prosperity, we have made a faithful Declaration of the present estate, the causes and remedies of this increasing disease of Popery, humbly offering the same to your princely care and wisdom. The Answer of your majesty's father, our late sovereign, of famous memory, upon the like petition, did give us great comfort of reformation; but your maj.'s most gracious promises made in that kind, do give us confidence and assurance of the continual performance thereof; in which comfort and confidence reposing ourselves, we most humbly pray for your maj.'s long continuance in all princely felicity"

The Duke of Buckingham, assisted by Sir J. Cooke, gives the King's Reasons for approving of the said Petition, &c.] The Petition and Answers being read, the Lord Admiral said, "That as his maj. took well their putting him in mind of his care for Religion, so he would have done and granted the same things, though they had never petitioned him. Neither did he place this Petition, in this order, as a wheel to draw on other affairs and designs; but leaves them to move in their own spheres, as being of sufficient poise and weight within themselves. What was done in this Petition, came from these two fountains, conscience and duty to his father; who, in his last speech, recommended unto him the person, but not the religion of his Queen"

The Duke's Account of the Preparations for the Fleet, and of the Conduct of the War] Then his Grace signified, "That, by the king's commands, he was to give to both houses, an Account of the Fleet, and all the Preparations thereof," which he did in this manner, viz " That the first and last time he had the honour to speak in this auditory, it was on the same business; and then he was so happy as to be honoured and applauded by both houses And he made no question but, speaking with the same heart, and on the same business, he should be so now: For, if they looked upon the change of affairs in Christendom, they could not think it less than a miracle. Then the king of Spain was sought and courted by all the world; he was become master of the Valtoline, had broken all Germany in pieces, and was possessed of the Palatinate. The princes of Germany were weak, and not able to resist, and, by reason of his master's neutrality, caused by a treaty, he kept all other king's and princes in awe Now, on the contrary, the Valtoline is at liberty, the war is proclaimed beyond the Alps, the king of Denmark is in arms, with 17,000 foot and 6000 horse, besides commissions to make them up 30,000; the king of Sweden is also interested; the Princes of the Union are revived; the king of France is engaged against Spain, and, for that purpose, having made peace with his own subjects, hath joined and confederated himself with Savoy and Venice. Why should not he, therefore, hope for the same success, considering that, since the time of his last speech to both houses, there was not one action, or a thought of his, that levelled at any other than one and the same object, which was to please their desires? If he should credit all rumours, which he would not do, he should speak with some confusion of fear, to hold the same place he formerly did in their affections But, having still the same virtuous ambition, and considering his own heart to the king and state, he could find no cause of alteration, but was all courage and confidence."

Here the Duke made a request to the House of Commons, "That if any man had spoken or should speak any thing, in discharge of his conscience, zeal of reformation, or love to his country, which may seem to reflect upon some particular persons, he may be the last that shall apply it to himself. Because he is confidently assured of two things; 1st. That they are so just as not to fall upon him without cause, who was so lately approved by them. And, 2ndly, That himself shall deserve nothing that shall misbecome a faithful Englishman."

The Lord Keeper (sir J. Cooke) next proceeded to give the remaining part of his Report, which was the sequel of the duke's speech. He said,

his grace chose rather to proceed in it by way of Question and Answer, than in one continued speech, as being the speedier way and means to yield satisfaction. He would take his rise, he said, from the Breach of the Treaties and Alliances, and put some Questions to himself, yet none but such as should be material to the business in hand. Here his grace did move the whole House, what he would charge, for [illegible] and proper to be inquired into. The Questions

Quest. 1. By what Counsel the Designs and Actions of War were carried and enterprized — "Before Council [illegible] and [illegible] houses, March 24, [illegible] then his grace proceeded to say, Here you see, my Lords and Gentlemen, what has been moved by [illegible] for the [illegible] Ireland, the assisting our neighbours, the States of the United Provinces, and other our friends and Allies, and for the [illegible] of the Navy Royal. [illegible] enough [illegible] latter. For when he came to open the Navy, there was not one moiety of that which was [illegible] looking upon the [illegible] found the [illegible] many of [illegible] sour as to write to [illegible] London, a Letter to this effect. That [illegible] foreign affairs, he [illegible] Royal Fleet should [illegible] Wherefore his Lordship and his [illegible] lay out, and not only [illegible] By the [illegible] as being the [illegible] and other princes, in hope to [illegible] would soonest come to the [illegible] [illegible] to pour it out upon his [illegible] But this he did not only [illegible] by the [illegible] [illegible] [illegible]

intention to set it out with all the speed possible"

Quest 6 Why was not this Want of Money foreseen in the first Project of the whole Service, but now only thought upon unexpectedly, and dangerously, considering the Sickness Why not before the last adjournment, whereby we are cast upon so unseasonable a time?—*Answ* "It was foreseen before, but interrupted by unfortunate accidents. 1 The Death of the late king 2 The Funeral; which, for decency's sake, could follow no sooner 3. The Journey into France, and the Marriage; which procured more delays than were expected, but necessary." Since the opening of this parliament, his maj. declared his necessity; and told you plainly, That this sitting must be not for counsel, but resolution. And when he received the grant of the two Subsidies, he understood that money to be but a matter of custom, to welcome him to the crown, and intended, when they were presented to him, to dilate more at large, as afterwards he did by sir John Cooke

Quest 7 Who gave the Counsel to meet so suddenly, when the Sickness was so dangerously spread?—*Answ* "His maj commanded him to say, That it was the business itself that gave the Counsel, with the necessity of it, else the king would not have hazarded the two houses, and the rest of the kingdom, by its spreading If he had been able any way, without your help, to have set out the Navy, he would have done it, and relied upon you for a Supply afterwards If it be a fault, (as I see none, said the duke) why should the realm and the occasions of the State of Christendom suffer for it? If it be undertaken for your good and the king's honour now budding) as also for the State of Christendom, why should a particular man's fault make it miscarry? I hope your wisdom will so pierce through it, as to set the affair forward"

Quest. 8 Why should not the King help on this occasion with his own Estate?—*Answ* "Judge you whether he doth not; for, observing the great gift you gave the session before last, he was unwilling to take any more from you, and laid out all his estate upon the enterprize, and will do so again as soon as he shall be enabled."

Quest 9. Is not the Time of the Year too far spent for the Navy to go forth?—*Answ* "The king answered this the last day. 'Better half the Navy should perish, than the going forth thereof should be stopped.' It would shew such want of counsel and experience in the design, such want of courage, weakness and beggarliness, in not being able to go through with it And, for the Time, there were only three ends proposed by this service, and the time of the year is yet seasonable for any of them. He could demonstrate the same, if the design was to be published; which your wisdom would not think it to have done." Here the duke said he would satisfy the houses in some other things.

Quest. 10 Whether these 8 ships, lent the French king, to be employed against the Rochellers, were not paid with the Subsidy Money?—*Answ* "These 8 ships were, 1st, employed at the Charge of the French king. 2nd. It is not always fit for kings to give account of their counsels. Judge the thing by the event."

Quest. 11 Whether, having been employed to break with Spain, the Duke made not a worse match with France, and upon harsher conditions?—*Answ* "He hoped the contrary would appear by the king's Answer to their Petition, and he assured them his maj. had broken no public faith in giving the said Answers"

Quest. 12 Did not the Duke serve us in breaking the Treaties with Spain, out of particular spleen and malice to count Olivares?—*Answ* "There was no cause for him to hate Olivares, he was the means to make his grace happy, for out of his hands came those Papers by which his grace gained the love of a nation, which before thought not so well of him. He is not vindictive in his temper; he can forgive those who had no such natural respect to that country as Olivares had Neither doth his grace love that any man should be an instrument, by all means, to do good with, as Olivares intended to serve his master and kingdom by indirect means And he can further prove that he is not vindictive; for he could forgive one of our own nation who concurred with Olivares. But he thought proper to let that business sleep, which, if it should awake, would prove a lion to devour him who was the Author of it, meaning one of our own nation who co-operated with Olivares (the Earl of Bristol)

Quest 13. Will it not be objected, That hitherto the Duke speaks of nothing but immense Charges, which the kingdom is not able to bear, as, to the king of Denmark, 30,000*l* a month, to count Mansfield, 20,000*l*. to the Low Countries, 8000*l*. to Ireland, 2000*l* a month; besides the backing of the Isle with a Supply, for which twelve of his majesty's ships are now in preparing?—*Answ* "Make the king chief of the war, by a diversion of this kind, and he will give a greater advantage to all his allies, than by allowing them 50, nay 100,000 a month What is it for his allies to switch with the king of Spain to win a town to-day, and to lose it to-morrow? It is also next impossible to hope for a conquest of this kind, the seas being so ill beyond. But let the king, our sovereign, be master of the wars elsewhere, and make a diversion, and let the enemy be compelled to spend his money and men in other places; and our allies in these parts will be suddenly and imperceivably strengthened and enabled: and, by this kind of war, you send no Coin out of the land; you send nothing but Beer, Mutton, and Powder, by which the kingdom is not impoverished, but may make good returns"

Quest 14 Where is the Facing?—*Answ.* "The Navy is ready to go out, and the Fleet ready to go out, and the

knee had given him [illegible] the Enemy [illegible] may [illegible] honour, and the [illegible] assure nothing [illegible] home sometime [illegible] Mak[illegible] be maintained with [illegible] as declar[illegible] none shall be [illegible] so dil[illegible] and [illegible] may go, and [illegible] ness."—*Lastly*, [illegible] king [illegible] bly to the [illegible] he [illegible] purchase [illegible] this Apology [illegible] weakness [illegible] thing [illegible] part of my [illegible]

The Lord Treasurer [illegible] *Estate*] We [illegible] th Lord Keeper's [illegible] Lord High Treasurer [illegible] luring to be king's [illegible] duced a Paper, [illegible] down, according as [illegible] would permit him in the [illegible] ed the same in three parts [illegible] late king left [illegible] stands in, 3 Hanaper [illegible] And the rest of those [illegible] three parts, the [illegible] tour, and Engagements [illegible] the city of London, and [illegible] rowed upon the Great Seal [illegible] Bonds, 120,000*l.* besides [illegible] Wardrobe 40,000*l.* at [illegible] due to poor people. To the [illegible] 75,000*l.* and the interest [illegible] for the Palatinate. Arrears [illegible] large sum, but not [illegible] a great sum; which he [illegible] ce them fit to relate to the [illegible] Anticipations made by the [illegible] Rents, before they [illegible] which was presently [illegible] the Fleet. His Engagements [illegible] Pay of 6000 foot in the [illegible] 10,000 foot under [illegible] the rigging, victualling, [illegible] Navy, not the like in our [illegible] ering in the Realm, the [illegible] his help if should the same [illegible] bursements, which he [illegible] coffers that his father's [illegible] and Engagements, he [illegible] Debts as these, unless [illegible] he left 40,000*l.* For [illegible] and both engaged those [illegible] and, and the Commissioners bonds. The great occasion brought [illegible] Prince, thus to deal, for [illegible] gave [illegible] to the

[illegible] *out of the King's Estate* [38

[illegible] 0,000*l.* to count Mansfield, besides [illegible] its that way, whereas, before, he [illegible] to his lord his own know- [illegible] King's D[illegible] and frayed [illegible] rollers, to the king of Denmark, [illegible] Soldiers at Plymouth and Hull, [illegible] and Funeral, 12,000*l.* [illegible] to pay Expence of the [illegible] ommencement of Ambassadors in [illegible] 40,000*l* advanced to the [illegible] to the king and queen of [illegible] to the Navy, 300,000*l.* [illegible] disbursed, viz. 46,000*l.* [illegible] at the return.—3 The King [illegible] to future, as in Charges of [illegible] sisted of ten Articles. 1 O[illegible] and Interest. 2. Old [illegible] 3 Anticipations of [illegible] taken up by himself, to the [illegible] offers, even of that which [illegible] with bread and drink from [illegible] To the king of Denmark, [illegible] etc. 5 To count Mansfield [illegible] the Dutch 8,500*l.* 7 To Ireland [illegible] sen & The queen's allow- [illegible] 7,000*l.* per annum, And 9. To [illegible] Bullion, 20,000 perma- [illegible] for defence of the Realm, [illegible] the Navy.—The Lord Treasurer [illegible] some sums were omitted, [illegible] on certain and before his [illegible] receiving, he excused had [illegible] promised that himself, [illegible] others, would be ready to [illegible] of these particu- [illegible] King having ended this [illegible] times of a whole day, [illegible] approbation of it, [illegible] entered in their Journals.

[illegible] made in that house of [illegible] the conference, by [illegible] general, [illegible] divided, as be- [illegible] The king's An- [illegible] about Religion; the [illegible] Fleet, &c. and the Lord [illegible] But it is all so imper- [illegible] Journals of the Commons, [illegible] made in the recital, that [illegible] any thing of the mat- [illegible] mentioned in the Com- [illegible] mittee of in the Lords; [illegible] Treasurer told them, [illegible] had first taken care [illegible] of Religion, and received so gracious an answer [illegible] they ought now, speedily, to [illegible] supply, not of his majesty's wants, but [illegible] the defence of the kingdom."

Debate [illegible] *thereupon*] The report as above [illegible] received,

Mr [illegible] afterwards the famous serjeant Maynard,) stood up and told the house, "That it was an easy matter to infest the king of Spain, but he did not like the vast charge now demanded, which was not to be supported [illegible] kingdom. That he was not for a war

by land, but by sea, and there put with letters of marque, but for no open war. Was for recommending to his maj'ty the way to live gloriously at home, viz. by declaring war. Was against Subsidies in reversion; but would willingly give, if he knew how, for giving, was adding spurs to the sea-horses. Moved for a general committee to go on these matters the *next* day."

Mr. *Mallet* said, "That it was not proper to stand too much upon precedents. That it was plain the House did not regard them, when they tended to restrain the king's revenue. For, in the case of tonnage and poundage, which was always, since Henry VII's time, granted for life, it is limited now but to the 25th of March next, contrary to former precedents. He moved for a consideration of the danger, which might grow by not contenting the king in his just desires this parliament."—Others moved for a grand Committee to go upon these matters the next morning at 8 of the clock; which was agreed to.

The King's Message to hasten the Supply.] Aug. 10. Mr. *Chancellor* delivered a Message to the house from the king to this effect. "That his maj. understanding this house intended to enter into consideration of divers heads, concerning the king and commonwealth, had sent by him this Message. That he was well pleased with their good intentions, but desired them to consider that his affairs required a speedy dispatch. That tho' the season was far spent, it was yet seasonable; and, if the plague should begin in the navy, the action would be lost; or, if any here should be touched with the sickness, much inconvenience would ensue by an abrupt breaking up. Therefore he desired a present answer about his Supply. If not, he will take care to their health as more than they themselves, and make as good a shift for his present occasions as he could. But, if they would now comply, he gave them his royal word, that in winter, at what time they should chuse, they should meet again, and build together till they had perfected all those things for the king and commonwealth, which are now before them. To all which he promised to give such answers, as dutiful and loyal subjects might expect from a gracious and religious king. Lastly, the king desired them to consider that this was the first request he ever made unto them."

Debate on the King's Message.] The debates on this Message and the Supply were this day very long, above 30 different members speaking in them. The most material of whose arguments, pro and con, we shall collect, and give as follows.

The *Master of the Wards* argued, "That the reputation of both king and kingdom, in point of honour, was at stake. That the preparations now making for war, must have their movement from parliament. 2. The consideration of the disasterous state of the king's royal sister. 3. Religion in great danger abroad, which suffered also at home. 4. Consideration of their confederates, who would fail us, if their king did not hold them together. 5. The danger of king, lords, and commons, by the sickness, by a longer continuance."

Sir *Roger North* said, "That he was once against giving any thing at this time; but had now altered his opinion by his maj.'s most gracious answer about Religion; also because it was his first request. Besides the consequence of an ill parting this parliament would be a thing very acceptable to the Papists. Moved for two Fifteens to be added to the two Subsidies."

Mr *Chancellor of the Duchy* said, "That precedents were neither to be despised, nor adhered as gods. That in the first parliament of the late king, two Subsidies were granted and four Fifteens; within a month after one Subsidy more was given in the same session. Mors in olla. If all our greatest enemies were here they would refuse to give; to give now, because they could not, at another time, give towards this supply."

Mr *Chancellor of the Exchequer* wished them to leave now their fears, jealousies, and disgusts at home, and to rely upon the king's promise for their next meeting to reform such things. Those disorders complained of did not happen in this king's time, that he, both in his father's and his own time, had assured them of his desire and resolution to reform those things. Moved the question, Whether we will give at this time, or not.

Sir *Robert Phelips* said, "That the point now before them, by the king's last message, might be reduced short to this; either to give presently, or else that, in respect of danger to us, he will adjourn us to some other time. That the arguments for giving were honour, necessity, and safety, honourable grounds. That the necessity had put the enemy in a present preparation for Supply in all parliaments; but the council could not have put the king, and the present great designs into the hazard, whatever gave them must answer it. Moved that the present necessity might be supplied by some other means, rather than by so dangerous a president. That a committee might be appointed to consider of a fit Answer to the king, why they could not now give; and yet to assure him that they would, in due time, supply all his honourable and well-grounded designs."

Sir *Francis Seymour* said, "That the commons of England should be called hither only for a Supply at 11000*l.* shewed that the king's necessities were great. What was become of all the monies raised by the act of resumption of the crown lands? That 140,000*l.* had been also raised by places of honour, places of justice were sold, and serjeants places; which must come to a greater sum."—Others argued for giving, so that it might be in a parliamentary manner. But,

Sir *Thos. Wentworth* said, "That he feared the growing this president for so small a sum

Edw. Coke moved for a committee to be appointed for this; and afterwards to acquaint the lords with it. Sir F. Seymour said, "That the lord treasurer, Buckingham, had the care of [illegible] the default must needs be [illegible]. And moved for a committee to consider of the cause thereof, and of the default by." Mr. Lyster mentioned a motion made to our treasurer, by the Dutch [illegible] that the commissioners to appoint [illegible] and the safety of all the seas. Other matters in this, a committee of [illegible] was appointed to take these [illegible] consideration.

The next day these were taken upon the long report of the Parliament to the lords, &c. and the [illegible] conference with the lords, [illegible] and then to join in a Petition to [illegible] humbly to be importuned [illegible] to grant [illegible] Answers to their former [illegible] Sir R. Philips observed, [illegible] king would, at the instigation [illegible] not person out of the Parliament [illegible] with the lords, [illegible] and Sir Edw. [illegible] make the report to their house. After [illegible] to the king, he told them, "That the lords had resolved to move the king [illegible] to proceed in Jesuit, or other Papist, [illegible] offended. For their joining in [illegible] this day, but, considering [illegible] answer to their other [illegible] and that both houses [illegible] the purport of [illegible] communicated to the king, [illegible] them to consent to, [illegible] the time of that [illegible] the time there- [illegible] his letter. Lastly, [illegible] more liberty in the [illegible]

[illegible] *Parliament*.] Aug. 12th [illegible] upon, by [illegible] committee, which [illegible] to be entered [illegible] presented to his [illegible], [illegible] the members [illegible] with sir [illegible] Cure attending [illegible] Immediately after this, the gentleman- [illegible] the black rod came to call the house and the Speaker to come up to the lords, to hear his commission from the king, read to both houses; which was done accordingly.—Thus far the Journals. But Rushworth proceeds to tell us, "That the king, perceiving the commons resolved against a Supply, without redress of Grievances, and, in their debates, to reflect upon some great persons near himself, on the 12th of Aug. sent to the house of peers a commission, directed to several lords, for the Dissolution of the Parliament. And the Speaker, with the other house, being sent for, this commission was read before them all

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[illegible] *Parliament*.] Aug. 12th [illegible] upon, by [illegible] committee, which [illegible] to be entered [illegible] presented to his [illegible], [illegible] the members [illegible] with sir [illegible] Cure attending [illegible] Immediately after this, the gentleman- [illegible] the black rod came to call the house and the Speaker to come up to the lords, to hear his commission from the king, read to both houses; which was done accordingly.—Thus far the Journals. But Rushworth proceeds to tell us, "That the king, perceiving the commons resolved against a Supply, without redress of Grievances, and, in their debates, to reflect upon some great persons near himself, on the 12th of Aug. sent to the house of peers a commission, directed to several lords, for the Dissolution of the Parliament. And the Speaker, with the other house, being sent for, this commission was read before them all

and this parliament was declared to be dissolved."—The Protestation of the Commons, mentioned above, is not in their Journals; but is preserved by Rushworth, and some other historians of those times, and is as follows:

The Commons' Protestation.] "We the knights, citizens, and burgesses in the commons house of parliament, being the representative body of the whole commons of this realm, abundantly comforted in his majesty's late gracious Answer touching Religion, and his Message for the cure of our health, do solemnly protest and vow before God and the world, with one heart and voice, that we are all resolved, and do hereby declare, that we will ever continue most loyal and obedient subjects to our most gracious sovereign lord king Charles; and that we will be ready in convenient time, and in a parliamentary way, freely and dutifully to do our utmost endeavours, to discover and reform the abuses and grievances of the realm and state, and in like sort to afford all necessary supply to his most excellent majesty upon his present, and all other his just occasions and designs, most humbly beseeching our said dear and dread sovereign, in his princely wisdom and goodness, to rest assured of the true and hearty affections of his poor commons, and to esteem the same to be as we conceive it is indeed) the greatest worldly reputation and security that a just king can have, and to discount all such as slanderers of the peoples affections, and enemies to the common-wealth, that shall dare to say the contrary."

As we have hitherto given the State of the Peerage, at the beginning of every new reign, we shall now do the same, by exhibiting

A List of all the Peers summoned to the first Parliament of Charles the First.

George, duke of Buckingham, lord high admiral of England, &c.	Theophilus e. of Lincoln
William marq. of Winchester	Charles e. of Nottingham
Thomas earl of Arundel and Surry, earl marshall of England.	Thomas e. of Suffolk
Henry earl of Northumberland	Edward e. of Dorset
John e. of Shrewsbury	William e. of Salisbury
Henry e. of Kent	William e. of Exeter
William e. of Derby	Philip e. of Montgomery
Edw. e. of Worcester, lord keeper of the privy seal	John e. of Bridgewater
Francis e. of Rutland	William e. of Northampton
Francis e. of Cumberland	Robert e. of Leicester
Robert e. of Sussex	Robert e. of Warwick
Henry e of Huntingdon	William e. of Devonshire
Edward e. of Bath	John e. of Holderness
Edward e of Bedford	James e. of Carlisle
William e. of Pembroke	William e. of Denbigh
William e of Hertford	John e. of Bristol
Robert e. of Essex	Christ e. of Anglesea
Francis e of Westmoreland	Robert e. of Somerset
Anthony visc. Montagu	Henry e. of Holland
William vis Willoughby	Oliver e. of Bolingbroke
John visc Purbeck	John e. of Clare
William visc Maunsfield	Edmund l. Sheffield
Henry visc. Mandeville, lord president of the council	William l. Paget
Francis visc. St. Alban*	Dudley l. North
Thomas vis Colchester	Theophilus Howard l. Walden eldest son to the e. of Suffolk
Henry visc Richard	Edward l. Wotton
Thomas visc. Andover	Francis l. Russell
Richard vis. Tunbridge	Henry l. Grey of Groby
Wm visc Sar. & Seale	William l. Petre
Henry Nevile lord Bergavenny	Henry l. Danvers
Mervat Tuchet, lord Audley	Robert l. Spencer
Edward l. Zouch	Edward l. Denny
George l. Berkley of Berkley	Charles l. Stanhope of Harrington
Robert l. Willoughby of Eresby	George l. Carew
Henry West l. De la War	Thomas l. Arundel of Wardour
Henry Parker l. Morley and Monteagle	John l. Fenham
Richard . Darcis	Philip l. Stanhope of Shelford
Thomas l. Scrope	Edward l. Noel
Edw. Sutton, l. Dudley	Fulk l. Brooke
Edward l. Stourton	Edward l. Montagu
Henry l. Herbert, eldest son to Edward e. of Worcester	Robert l. Carey
John lord Darcie and Meynill	John l. St. John of Basing
Edward Vaux l. Harrowden	Wm l. Grey of Werke
Thomas l. Windsor	Francis l. Seymour
Thomas l. Wentworth	James l. Ley or Ley, lord high treasurer of England
John l. Mordaunt	Rich. l. lord Roberts of Truro
Barons l. Cromwell	Edward l. Conway of Ragley
William l. Eure	Horace l. Vere of Tilbury
Philip Wharton	

In all	
Duke . . .	1
Marquis . . .	1
Earls . . .	17
Viscounts . .	11
Barons . . .	47
	97

A New Parliament called.] In the ensuing month of February, which was still the first year of his reign, the king thought proper to summon a New Parliament, which met at Westminster, on Monday the 6th of the said month.

The King's Speech.] His majesty being placed on his royal throne, the lords in their robes, and the commons being at the bar, it pleased his majesty to speak as follows:—"My lords spiritual and temporal, and you gentlemen all; of mine own nature I do not love long speeches, and I know I am not very good to speak much. Therefore I mean to show what I should speak in actions; and therefore I mean to bring in the

* By the Judgment passed upon this great man (see Vol. I. p. 1219), he was disabled from ever sitting in parliament; and though he was afterwards pardoned by king James, yet he was not summoned during that reign.

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patch the business of this parliament. And you of the house of commons, for to you I must speak, his maj.'s pleasure is, that, according to your antient custom, you may resort to the [illegible] appointed for you, and there make choice of a Speaker, whom his maj. wisheth to be presented unto him on Wednesday next."

The Speaker's Speech.] On the Wednesday following, the commons presented sir Heneage Finch, knt. serjeant at law, and recorder of London, for their Speaker, who having made the accustomed excuses, and acknowledged his maj.'s probation, made this speech.

"Since it hath pleased your maj. not to admit my humble excuse, but, by your royal approbation, to crown this election, after my heart and hands first lifted up to God, that hath thus inclined your royal heart, I do render my humblest thanks to your maj. who are pleased to cast so gracious an eye upon so mean a subject, and to descend so low as, in a service of this importance, to take me into your princely thoughts. And since we all stand for hundreds and thousands, for figures and cyphers, as your maj. the supreme and sovereign auditor, shall please to place and value us, and, like coin to pass, are made current by your royal stamp and impression only, I shall neither dissable nor undervalue myself; but with a faithful and cheerful heart, apply myself with the best of my strength and abilities, to the performance of this weighty and public charge; wherein, as I do, and shall to the end, most humbly desire your gracious acceptance of my good intentions and endeavours, so I could not but gather some confidence to myself, that your maj. will look favourably upon the works of your own hands. And, in truth, besides this particular, these public things which are obvious to every understanding, are so many arguments of comfort and encouragement, when I contemplate and take a view of those inestimable blessings, which, by the goodness of God, we do enjoy under your maj.'s most pious and prudent government.—If we behold the frame and the face of the government in general, we live under a monarchy, the best of governments, the nearest resemblance unto divine majesty which the earth affords, the most agreeable to nature, and that in which other states and republics do easily fall and reverse into the ocean, and are naturally dissolved as into their primum materiam. The laws by which we are governed, are above any value my words can set upon them, time hath refined and approved them, they are equal at least to any laws human, and so curiously framed and fitted, that as we live under a temperate climate, so the laws are temperate; yielding a due observance to the prerogative royal, and yet preserving the right and liberty of the subject: that which Tacitus saith of two of the best emperors, "Res olim insociabiles miscuerunt, imperium & libertas: And so far is this from the least diminution of sovereignty, that, in this, your maj. is truly styled pater patriæ, and the greatest king in the world, that is king of such and so many free-born subjects, whose persons you have not only power over, but, which is above the greatest of kings, to command their hearts. If time or corruption of manners breed any nests of grievance, or discover any defect in the law, they are soon reformed by parliament, the greatest court of justice, and the greatest council of the kingdom, to which all other courts and councils are subordinate. Here your royal person still enthroned in the state of it is attended by a reverend and learned prelacy, a great and full nobility enthroned, like stars in the firmament, some of a greater, some of a lesser magnitude, full of light and beauty, and acknowledging to whom they owe their lustre, and in a choice number of worthy knights and gentlemen, that represent the whole body of your commons. But to leave generals. We live not under a monarchy only, the best of governments, and under a government the best of monarchies, but under a king the best of monarchs, your royal person, and those eminent graces and virtues which are inherent in your person, for whom greatness and goodness is (could be superiority) it were presumption in me to touch, though with never so good a meaning, they will not be bounded within the narrow compass of my discourse; and such pictures of such a king are not to be made in limning, but for public things and actions which the least eye may see and discern; and in them, obliquely and by reflection, cheerfully and with comfort behold your person. What age shall not record and celebrate your princely magnificence in that heroic action or venturous journey into Spain, or hazarding your person to preserve the kingdom? Fathers will tell it to their children in succession. Afterages will then think it a fable. Your piety in the memory of your dear father, in following and bedewing his herse with your tears, is full in every mind and memory. The public humiliation when God's hand lay heavy upon us, and the late public thanksgiving to Almighty God for removing his hand both commanded and performed in person by your maj. is a work in piety not to be forgotten, and I trust the Lord will remember them, and reward them with mercy and blessing to your maj. and the whole kingdom. Your love to justice, and your care in the administration of justice, we all behold with comfort, and rejoice to see it. The great courts of justice from the highest to the lowest furnished with judges of that wisdom and gravity, learning and integrity. The thrones of kings are established by justice, and may it establish, and I doubt not but it will establish the throne of your maj. in your person, and in your royal line, to the end of time. But above all, and indeed it is above all, as far as heaven is distant from the earth, your care and zeal for the advancement of God's true religion and worship, are clearly and fully express, and do appear both in your person, and by your public acts and edicts. It is true that it is said of princes, "Quod licuit principum" that your acts, both are true, and a proposition made

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convertible. We have received a most gracious answer from your maj. to all our late petitions concerning religion, seconded with a public declaration under the great seal, and enrolled in all the courts of justice, for your royal pleasure and direction to awaken and put in due execution the laws, with a special provision that the penalties be converted to your private coffers; and are the enemies of the kings not private coffers, but, by your express direction, set apart to public uses, such as concern the immediate defence of the realm, wherein we all have our share and interest. Your royal proclamation with command to those Romish Priests and Jesuits to depart the realm; those mendicants that infect the state of this church and common-wealth. Their very entrance into it is a notorious high and violent law, which treason, that is the highest treason that can ever be practised, to which nothing else but to plot and contrive treason against the state and to seduce your natural born subjects from their due obedience, nothing else but to plot and contrive treason, and nothing else but to plot and contrive treason, witnes those many late treasons and conspiracies against the person of that glorious lady, whose memory will never die, and that horrible matchless conspiracy of the Powder treason, the master-piece of Rome and Babel for the preservation whereof your royal self, your children all their treacherous conspirators. May it please you a heart to honour him, and honour and preserve your religion will not suffer him keep you in his snares, from the snares of [illegible] well-affected subjects, and will ever be the honour of your royal diadem, and the [illegible] of your crown. The Spanish [illegible] I hope will ever be [illegible] and will [illegible] boundless ambition of Spain, to reduce it to their proper current and channel; who, under the title of catholic king, makes his pretence to more countries and kingdoms than his own, and, by colour of disputed treaties, he invades the Palatinate, and dispossesseth the incomparable [illegible] of their right and their antient patrimony and inheritance, to the discontent and [illegible] of a great religious nation. God in his mercy stem or part this breach by your royal head, and, I assure myself, the hearts and the purses of all good subjects will go. Amen. But I may weary your [illegible] and lose myself, and forget for whom I am speaker. Custom gives me the privilege as an humble suitor in the behalf of the house, to present their few petitions unto your majesty. 1. The first, That, for our better attending this public and important service ourselves and our necessary attendance may, with your majesty's milder allowance, be free, both in our persons and goods, from arrests and troubles, according to our antient privileges. 2. The next, That time, for the preparing and drawing to conclusion such propositions as shall be handled in the house, debated and dispute will be necessary, and by reason of number, truth is oftentimes hot discerned, [illegible] our may will likewise, according to time and usage and privilege, vouchsafe us liberty and freedom of speech, from which, I am in myself, duty and loyalty to your maj. will never [illegible]. 3. That when occasions of [illegible] shall require your majesty upon our humble suit and [illegible] times as may best suit with your [illegible] will vouchsafe us access to your royal person. 4. That the proceedings [illegible] may receive a favourable [illegible] and be free from [illegible].

The Commons receive the Sacrament.] The first thing the Commons set upon, was [illegible] their privileges [illegible] and place for receiving the [illegible] Lord's Supper [illegible] Church, [illegible] to bring [illegible] upon [illegible] Mr. [illegible] man was [illegible] received [illegible] the [illegible] of the Commons. This religious preparation had [illegible] the highest [illegible] late parliament [illegible] the direction of concealed papists, imagining, that though they might like the outward elegance and appearance, as most [illegible] yet they would not [illegible] with the sacrament.

The King's Message concerning an Ecclesiastical Commission.] The Commons [illegible] the king to [illegible] the commons, to this effect: "That his maj-

taking notice of an order they had made, to send out new writs upon double returns, desiring to acquaint them also, That sir Edward Coke, being sheriff of Buckinghamshire, was returned one of the knights of the shire for Norfolk, contrary to the tenor of the writ: therefore he hoped the house would do him that right as to send out a new writ for that county."—In order to understand the meaning of this Message better, it is necessary to look into the histories of these times for a further explanation. It is said, That, to disquality some gentlemen, who had been zealous in their opposition to the court in the last parliament, from serving in this, the king had pricked them as sheriffs of counties for the year ensuing. Amongst the rest old sir Edw. Coke, who had so vigorously distinguished himself against the minister and his measures, was nominated as above. This great lawyer demurred to the oath of a sheriff, and insisted that one part of it, which was to destroy and eradicate all heresies, commonly called Lollardies, was not to be taken. This produced an order of council, wherein that clause was left out of the oath, and established to continue so for the future: however, sir Edw. got himself returned, as knight of the shire, for another county; and this was the occasion of the king's message, and the debates in the house of commons which ensued upon it. Though all that the house did this day, in relation to the message, was to refer it to the committee of privileges and elections, to report their opinions of the law in these cases, and the usage of parliament, and to be the first heard.

Motion concerning Scandalous Ministers.] Sir *Benj. Hadyard* got up and moved the house on account of Religion, "Wherein," he said, the king had given ample testimonies of his great care and concern, both by his majesty's late proclamations, and the like given to the execution of the laws against them, by commissions and letters: but he thought there ought to be some care taken against scandalous Ministers, as well as scandalous Livings." Said "That he knew two ministers in Lincolnshire, who were found to be unlicensed ale-house keepers." A Committee was ordered to consider thereof.

Mr. *Pym* moved, "That this committee might also consider of certain Articles, set down last parliament, but not put into their Petition, or any thing else concerning Religion." Upon which motions a large committee was appointed, and all that would come were to have voices, to consider of all points concerning Religion, and to present their opinions to the house.

Sir *John Elliot* proposed, first, in general, to consider of the State of the Country, and a Relief for Grievances, &c. For particulars; first, the consideration of the King's Revenue. Next, an account how the Subsidies and Fifteenths, granted the 21. Jac. were expended, and therein to include the examination of the carriage and miscarriage of the last fleet: misgovernment; misemployment of the king's revenue; misexpending, &c." and moved for a special committee to take consideration thereof. But Lyttelton, in his speech, to make use of the word 'Courtier,' he was called upon by sir Geo. Carew to explain it, which he did, but in what manner is not mentioned.

Feb. 21. After reading some petitions for payment of some monies disbursed for the maintenance of the English officers and forces, under count Mansfield, in the Low Countries, a grand committee was appointed to consider of those things, and also of the three Subsidies and Fifteens formerly granted, to audit the accounts by a Sub-Committee, who were to prepare them ready for the other's inspection. Some of the succeeding days were taken up with reading of bills, of no great moment; the house being divided into different committees; amongst which, that on Grievances was busy in hearing complaints against the prime minister, and examining witnesses against him.

Feb. 27. Sir *John Finch* made a report from the committee of privileges and elections, what they had done in the Case of sir Edw. Coke aforementioned; wherein many cases were cited pro & contra, as to the nature of an high sheriff for one county being elected knight of the shire for another. On all which cases, he said, the committee would give no opinion; but desired that a search might be made amongst the records, for more precedents of the like nature. But the debate about this was put off to the 3d of March, and from thence to another day, from which time we hear no more of it. In all probability sir Edw. lost his seat in the house, for he is no way taken notice of as a speaker, or otherwise, throughout the whole course of this session afterwards, except on the day before the dissolution of this parliament; when, on the question, it was resolved; "That sir Edw. Coke, standing, de facto, returned a member of that house, should have privilege against a suit in chancery, commenced against him by the lady Clare."

Conduct of the Duke of Buckingham inquired into.] Affairs at a higher nature now begin to rise; and, what had been long hatching in the Commons, takes shape and life, and becomes very formidable against the minister and all his creatures. The recital of which not appearing in the Journals of either house, clear enough to distinguish rightly the particular movements of this grand attack, we shall not follow them, as usual, in the old form; but, in general, relate the source and ending of this great affair. The house of commons had been long busy in getting materials for exhibiting articles against the duke of Buckingham. Their committee on Grievances made several reports, That they had learned the reason why our merchant ships and goods were seized in France, was because our admirals had seized the goods of that nation in several ports of England, particularly in the ship called the Peter of New haven; which was brought into Plymouth by order of the duke,

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they will prove the authors of rebellion. 5. That the season for providing healthful victuals will be past, if this month be neglected. And therefore he, my commander, in the to tell you, that he desireth to know, without further delay of time, what Supply you will give him for these his present occasions, that he may accordingly frame his course and counsel."

The Answer of the commons, and the King's Reply to it, are both preserved by Rushworth, in the form —

Answer of the Commons.] "Most gracious sovereign, Your most loyal and dutiful subjects, the commons now assembled in parliament, in all humbleness, present unto your royal majesty this their loyal Answer to the Message which your majesty was pleased, by the chancellor of your exchequer, to send unto them, desiring to know, without any further delaying of time, what Supply they would give to your majesty for your present and extraordinary occasions, that you might accordingly frame your courses and counsels. First of all, they most humbly beseech your majesty to know and rest assured, That no king was ever de iure to his people than your majesty no people more zealous to maintain and advance the honour and greatness of their king than they, which, as upon all occasions they shall be ready to express, so especially in the support of that cause, wherein your majesty and your affairs are now justly engaged. And because they cannot but, but your majesty in your great wisdom, can not of justice, and according to the example of your most famous predecessors, will be pleased graciously to accept the faithful and necessary information and advice of your parliament, which can have no end but the service of your majesty and safety of your realm, in discovering the causes, and proposing the remedies of those great evils, which have occasioned your majesty's wants and your people's grief. They therefore, in confidence and full assurance of redress therein, do, with one consent, propose (tho', in former time, such course hath been unused) that they really intend to assist and supply your majesty in such a way, and in so ample a measure, as may make you safe at home, and feared abroad, for the dispatch whereof they will use such diligence, as your majesty's pressing and present occasions shall require."

The King's Reply.] His majesty made this Reply to the Answer of the commons —"Mr. Speaker, The Answer of the Commons delivered by you, I like well of, and do take it for a full and satisfactory Answer, and I thank them for it, and I hope you will, with all expedition, take a course for performance thereof, the which will turn to your own good, as well as mine: but for your clause therein, of presenting of Grievances, I take that but for a parenthesis in your speech, and not a condition, and yet for answer to that part, I will tell you, I will be as willing to hear your Grievances, as my predecessors have been, so that you will apply yourselves to redress grievances, and not to enquire after grievances. I must

let you k[illegible] servants to [illegible] to me. The [illegible] done to [illegible]? But now [illegible] seek what [illegible] king that [illegible] order [illegible] to [illegible] the [illegible] commons [illegible] and respect [illegible] don him was the [illegible] done since [illegible], I wot not, but can assure you, in truth no unwilled, or desire any thing [illegible] the public or common wealth, but [illegible] and appointed, and as my servant, [illegible] so far from growing or improving his estate thereby, that I verily think he hath rather impaired the same. I wish you would [illegible] Supply, or not, it will be worse for your choice, if any ill happen, I think I shall be the last that shall feel it."

Mr Cl[illegible]'s Reflections on the Duke of Buckingham.] But the spirit raised against the minister could not be suppressed by any thing the king could do, and no Supply was to be expected till the duke was given up to public vengeance. The commons followed the chace very warmly against him; and, in some of their debates, very severe expressions were used against the court; particularly Mr. Clement Coke (son of sir Edward Coke,) said, "that it was better to die by an enemy, than to suffer at home." And another member, Dr. Turner, a physician, proposed to the house the following Queries, against the duke, grounded upon public fame.

Dr Turner's Queries against the D. of Buckingham.] 1. "Whether the duke, being admiral, be not the cause of the loss of the king's royalty in the narrow seas? 2. Whether the unreasonable, exorbitant, and immense gifts of money and lands, to the duke and his relations, be not the cause of impairing the king's revenue, and impoverishing the crown?" 3. "Whether the multiplicity of offices conferred upon the duke, and others depending upon him, whereof they were not capable, be not the cause of the evil government of the kingdom?" 4. Whether Recusants, in general, by a kind of connivency, be not borne out and increased, by reason the duke's brother and father-in-law were known papists? 5. Whether the sale of offices, honours, and places of judicature, with ecclesiastical livings and promotions, a scandal and hurt to the kingdom, be not thro' the duke? 6. Whether the duke's staying at home, being admiral and general in chief of the sea and land army, was not [illegible]

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consideration. That he was against it, though,
he confessed, he had seen few original prece-

dents in the case. But the point, Whether an accusation upon common fame be to be entertained there, and from thence transmitted to the lords, he was against, for three reasons 1. Because it would disadvantage the parts accused, considering that he must answer the fame [illegible] ever is accused here, and cleared is, by the justice of this house, to have remedy against the accuser, which, by this course, he will want. In the 7th of Rd 2 an accusation of Bribery was made against the chancellor by Cavendish the complaint being found false, he was adjudged to pay a fine of 3000 marks to be imprisoned, &c. In the 17th. Rd 2 a complaint was made by the earl of Arundel against the duke of Lancaster. He was acquitted, and the duke ordered, in parliament, to have satisfaction from Arundel. That if this had been an use in parliament, it would from thence, have been derived to other courts: whereas no temporal court hath ever used it, except in cases capital, as in that of M. de la Pole. So, in the case of Recusants, he thought it might be lawful; because the Recusant, though indicted, yet, conforming and taking the oaths, is freed from all penalties of the law. But this was not the case in question. It this was calculated to prevent a mischief, it might be tolerated, but, on the contrary, here, where it tends to judgment. This he said, was not like the enquiry of a grand jury; for no grand jury, except in the case of Recusants, proceedeth upon common fame, without other proof. He likened the resemblance of it to a double judgment on account; where the first judgment must be grounded on a verdict or confession. Doubts this precedent might be dangerous to inferior temporal courts, by way of imitation. That petitions to this house for grievance are in nature like the petitions to a king, and their hands subscribed. Lastly, he said, he remembered the case of the bishop of Lincoln, 12 Jac. which, upon several reasons, concerning the honour of this house, and privileges they could have in other kind of proof, was yet rejected, because it had no other ground." See vol 1 p 1160

Mr *Wight*, who quoted Bracton, said, "That all suspicions, grounded upon fame, were to be regarded. That some presumptions admit proof to the contrary, others not. But that this fame must arise among the better sort. All our law-books concur in this point. That an act must first be done, and the fame rise in the county where it was done. This is a good ground for arresting upon any felony, as murder, robbery, &c and quoted several acts of parl. to prove it."

Mr. *Littleton* said, "That this was not a house of definitive judgment, but of information, denunciation, or presentment, for which common fame was sufficient. That there was a great difference between common fame and rumour: The general voice was common fame; vox populi, vox Dei. By the 14th Edw. 2. common fame was more than the saying of one man, for that it was the voice of many. That common fame was a good ground of imprisonment for treason or felony, by the 27th Eliz. but the person cannot then be said to be either a felon or a traitor. That, in other states, ancient and modern, men had been not [illegible] for [illegible] fame. He quoted precedents; of the duke of Suffolk's case, 28th Hen. 6. the duke of Somerset's, 29th Hen 6. and the bishop of Lincoln's case, in the 12th of James. Concluded, That a man, accused by common fame, is to answer only to the accusation, and not the fame."

Mr *Browne* argued, "That accusation was to be allowed, but not calumniation; calumniation is, in an unfit place, to lay a aspersion. That common fame was called, by civilians, semiplena probatio: arising out of apparent signs. If a private man accuse, and it be found false, he is liable to punishment, because he had nothing to do in it: but, where a member of this house does it, libera fert accusatio, if the place be proper for it, otherwise, not, therefore, an accusation in this house proper. That there was no subject, how great soever, but what is questionable here, if he be grievous to the common-wealth. So in all former precedents, and this the only place in which to question great men."

Sir *Thomas Wentworth* said, "That if they could not present to the Lords upon common fame, yet they might enquire and accuse, in that house, upon it. That this was the only safeguard for accusation of great men, whose offences, in all others, no man dare accuse them for fear of danger. Men of evil fame were not [illegible] but to be bound to good behaviour by a common purse. If common fame was sufficient for treason and felony, it was much more in lesser offences. And scan infamia magna in the nut, where a man can bring forth but one author."

Mr. *Selden* argued, "That the question was now only, Whether this house may proceed to enquire—not to the lords upon common fame. And surely they might, else no great man could be accused, by any particular, for want of danger. The tears of the Gods were not to be told, till the endless fame was born. "De omni scibili creatura," is put into indictments for murder. That this course of accusation was held in all the courts in Christendom. That these cases were to be ruled by the law of parliaments, and not either by the common or civil law. In the case of the duke of Suffolk, 28th Henr 6 there was a general rumour and noise of great offences done against the state. The commons, taking notice thereof, acquainted the lords with that general rumour, praying them he might be committed to the Tower, which the lords, upon consultation with the judges, refused; because the charge was only general thereupon the commons instructed, in one particular, That the French king was ready to invade the kingdom through his default, whereupon he was presently committed. In the duke of Somerset's case, 29th Hen 6 the like

[illegible] and the parties [illegible] on their offences."

Mr. [illegible] my present [illegible] and [illegible] we [illegible] can [illegible] tend [illegible] other [illegible] the [illegible] Mr. Noy [illegible] the [illegible] were [illegible] and, that [illegible] The [illegible] the [illegible] and [illegible] we [illegible] the [illegible] and [illegible] the [illegible] and [illegible] Mr. [illegible] the [illegible] and [illegible] would [illegible] and [illegible] better [illegible] and [illegible]

be granted to the king, and, March 27, or D. [illegible] waste the report from it. The same day it was moved upon the question, [illegible] be granted by the commons, presently to be considered by the whole house, that the house might, when it had presented their grievances, and received his answer to them."

The king continues the Attendance of both Houses. March [illegible] the King sent a Message to the [illegible] the next day, to continue [illegible] in the mean time, all proceedings in the [illegible] committees were to cease. [illegible] went this [illegible] during [illegible]

[illegible] gen- [illegible] for [illegible] of [illegible] the [illegible] but [illegible] ons to [illegible] [illegible] [illegible]

by those mild and calm directions, which, from time to time, that house hath received by message and letter, and from his royal mouth, when the irregular humours of some particular persons wrought diversions and distractions there, to the distemperature of those great and weighty affairs, which the necessity of the times, the honour and safety of the king and kingdom, called upon: and therefore his majesty doth assure you, that when these great affairs are settled, and that his maj. hath received satisfaction of his reasonable demands, he will, as a just king, hear and answer your just grievances, which, in a dutiful way, shall be presented unto him; and this his maj. doth avow.—Next, his maj. would have you to know of a surety, That, as never any king was more loving to his people, nor better affectioned to the right use of parliaments, so never king was more jealous of his honour, nor more sensible of the neglect and contempt of his royal rights, which his maj. will by no means suffer to be violated by any pretended colour of parliamentary liberty wherein he may (which not forget that the parliament is his counci and therefore ought to have the liberty of a council, but his maj. understands the difference between a lawful counselling, and taking upon him to govern the house in short.—This he hath found generally using with reminded me to read some particular passages and recommend to the gentlemen's [illegible] Whereas by divers Speeches uttered [illegible] you by Mr Coke, the house [illegible] ought to [illegible] and confirmed. And when his maj. made [illegible] it, did, by [illegible] Mr Coke at the Exchequer [illegible] [illegible] [illegible]

the Painted-Chamber. Which, being accepted of, the duke of Buckingham, as ordered by his maj made the following Declaration

"Whereas it is objected by some, who wish good correspondency betwixt the king and people, that to prefix a day to give or to break, was an unusual thing, and might express an inclination in the king to break; to remove this, as his maj. was free from such thoughts, he hath deseended to make this explanation:—That as his maj. would not have you condition with him directly or indirectly, so he will not tie to a day, for giving further Supply, but if it was the pressing occasion of Christendom that made him to pitch upon a day:—His maj hath here a servant of the king of Denmark, and another from the duke of Weymer, and yesterday received a letter from his sister the queen of Bohemia, who signified that the king of Denmark hath sent an ambassador, with power to perfect the contract which was made at the Hague; so it was not the king, but time, and the things themselves that pressed a time:—Therefore his maj. is pleased to give longer time hoping you will not give him cause to put you in mind of it again, so that you have a greater latitude, if the business require to think further of it.—I am commanded further to tell you, that if his maj. should accept of a less sum than will suffice, it will deceive your expectations, disappoint his allies, and consume the treasure of the kingdom; whereas, if you give largely now, the business being at the crisis, it comes so seasonably, it may give a turn to the Affairs of Christendom.—But while we delay and suffer the time to pass, others abroad will take advantage of it, as the king of Spain hath done, by concluding a peace, as it is thought, in Italy, for the Valtoline, whereby our work is become the greater, because there can be no diversion that way:—As it was a good rule to fear all things and nothing, and to be liberal was sometimes to be thrifty; so in this particular, if you give largely, you shall carry the war to the enemy's door, and keep that peace at home that hath been; whereas, on the contrary, if you draw the war home, it brings with it nothing but disturbance and fear, all courses of justice stopped, and each man's revenue lessened, and nothing that can be profitable:—Another explanation I am commanded to make, touching the Grievances; wherein his maj. means no way to interrupt your proceedings, but hopes you will proceed in the antient ways of your predecessors, and not so much seek faults, as the means to redress them.—I am further commanded to tell you, That his maj intends to elect a committee of both houses, whom he will trust to take the view of his estate, the defects of which are not fit for the eyes of a multitude; and this committee will be for your ease, as I may satisfy you, without casting any ill odour on his government, or laying open any weakness that may bring shame upon us abroad. That which is proposed is so little, that when the payment comes, it will bring him to a worse estate than now he is in; therefore wishes you to enlarge it, but leaves the augmentation to yourselves, but is sorry, and touched in conscience, that the burthen should be on the poorest, who want too much already, yet he will not prescribe, but wish that you, who were the abettors and counsellors of this war, would take a greater part of the burthen to yourselves; and any man that can find out that way, shall shew himself best affected, and do the best service to the king and state."

The Duke of Buckingham vindicates himself.] The duke then made his Address to them, in his own behalf, as follows

"My lords and gentlemen; You were all witnesses yesterday how good and gracious a master I serve; and I shall likewise be glad that you be witnesses how thankful a heart I have. And, I protest, I have a heart as full of zeal to serve my master as any man, and it hath been my study to keep a good correspondency betwixt the king and his people and, whatever thought hath been entertained of me, I shall not alter my heart from that intention, but shall add spurs to my endeavours and actions, to vindicate myself from ill opinion.—And however I be under the burden of the same, it lies in your hands to make me happy or not; and, for my part, I wish my heart and actions were known to you all, then, I assure myself, you would restore me to your good opinions:—When I had, with some hazard, waited on my master into Spain, it is well known what testimony I gave of my religion; and no man that comes to a true and near view of my actions, can justly charge me. Let me be excused if I give account of this particular, when I should speak of the general; for this goes near my heart, and to dissemble with my conscience, no ends of fortunes in the world can make me do it for, if I had any ill inclination, I had such offers made to me in Spain, as might have tempted me.—If I would have been a convert myself, I might have had the Infanta put in my master's bed; and, if my discontent should have risen here, I might have had an army to have come with me but I thought the offer foolish, ridiculous and scandal, in that point of religion.—I will now take the boldness to speak a little in the general business, and I call it boldness to speak after one who did it well the other day: but I shall rather suffer in my own particular, than I refresh your memories with that which is materially needful:—I shall not need to reflect so far back as to the beginning of those counsels which engaged my master into the war, they are all well known, only I will say that such it is to say, that the last year's preparations were not voluntary, or out of wantonness, but out of necessity. My master had good intelligence that the king of Spain's eye was maliciously bent this way, which had been pursued accordingly, if the employment of the Low Countrymen in the Bay of Todos los Santos had not diverted it:—Now, to the

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Counsel which was used in [illegible] and the Dutch, [illegible] know, that [illegible] with [illegible] and [illegible] tion on them, which, if it had not been done, [illegible] has had [illegible] press within long war, and such [illegible] as, if the king had [illegible] prince, [illegible] red their pro- [illegible] themselves. And [illegible] ence was not only of them [illegible] dom, and of his own particu- [illegible] asserted them, his [illegible] argument to draw them [illegible] as that they bear the fourth [illegible] the chance of the war at sea, accord- [illegible] conditions, as, by the lord [illegible] have heard. This league [illegible] between the Swede and us, his [illegible] advice, thought fit [illegible] to send me to [illegible] with the [illegible] The rendezvous was [illegible] manner [illegible] England, France, [illegible] mail of commission [illegible] most advantage I [illegible] received from M. B——, [illegible] this league, of- [illegible] ted, and [illegible] ships, and loath [illegible] the king of [illegible] necessity, and [illegible] was forced to [illegible] arms, for the [illegible] without [illegible] empire, that [illegible] this to con- [illegible] n, and no- [illegible] concluded [illegible] did ap- [illegible] that the [illegible] charge I [illegible] to [illegible] and the [illegible] crease six [illegible] and ans [illegible] this [illegible] D- [illegible] cession, [illegible] sub- [illegible] age to [illegible] down [illegible] with [illegible] ty of [illegible] eness [illegible] of Spain, [illegible] every side; [illegible] ted, his en- [illegible] k may draw [illegible] day of easing [illegible] reet taking [illegible] think the king [illegible] those fair condi- [illegible] ed him; and [illegible] upon the river [illegible] y added) upon [illegible] would make [illegible] experience) would [illegible] and thus I think I [illegible] at least given an [illegible] in the Low Coun- [illegible] with the kings of Denmark, Sweden, and

the rest. I should be glad, before I end, to say [illegible] of myself, but I shall request your favourable construction, for I have been too long already, but I fear I shall offend, and therefore I will restrain myself to generals.—If, in any of these employments, my errors may be shewed me, I shall take him for my best friend that will manifest them to particular. I have, bent all my thoughts on nothing but my master's honour, the service of the state, and safety of them both. I never had any end of mine own, and that may be perceived and proved by the expence of mine own estate. I am ashamed to speak it, and it would become another man's tongue better than mine own.—My Journey into Spain was all at my own charge; my Journey into France was at my master's charge, my Journey into the Low Countries was all at my own charge. I am accused, in common Fame, to be the cause of the loss in the Narrow Seas, and the damage there sustained. What I can say, is this, since the war began with Spain, I have always had 16 ships on the coasts, and allowance but for 4; the rest in their own care supplied. And, for the office of Admiral, when I came first to it, I found the Navy weak, not neglected by my noble predecessor (for I cannot speak of him but with honour), and I shall desire to get my grave with the honour he carried his [illegible] but the not paying of monies in time, there were such defects his care could not prevent, that, if the war had then broken out, there would have been found but few ships, and those unserviceable. I was first prevailed with to take it in office by persuasion of Sir Robert Mansel, and, though I objected I was young and unexperienced, yet he said, that, by my favour with my master, I might do more good in procuring payment for the charge, and, because I was young and inexperienced, I took advice, as I do in all things I undertake, and am ashamed of it. I have desired my master to grant a commission as I were in office. I have found a great debt in ships idle extraordinary, in number, the less by [illegible] of which we brought to 30, [illegible] per month, and even your 8 ships and when so many [illegible] were required we brought it to 7000*l.* per month, which [illegible] monthly brought it into [illegible] pay, and [illegible] from the officers within [illegible] expired.—Now any can shew me a project, how I may annoy the war against Spain, Flanders, and the Turkish pirates with less charge, I will do a great work, and good service. I have had sometimes 20, sometimes 30 ships, though sometimes disastered by tempest, which dispersed the Hollanders ships, and caused them to cut their masts and forsake their anchors. There are now 18 ships victualled for 2 months; and though many report have been, that they do not do their duty, yet I have advertised them thereof from time to time, and find no such fault in them.—There are 30 ships more at Plymouth, victualled for 6 months, and 10 more ready, so soon as they may be victualled. I have been so frugal in making use of the old remains, that there is no kind of ammunition, or other necessaries.—Besides all these, there are 20 ships to come from the Low Countries; so you have 12, 20, 30, and 10 more, which I think you have not heard of.—And therefore, if any have blamed me, I do not blame him, but think he hath done well: but when you know the truth, and when all this shall appear, I hope I shall stand right in your opinions.—Gentlemen, it is no time to pick quarrels one with another; we have enemies enough already, and therefore more necessary to be well united at home. Follow not examples, at least not ill examples of Gondomar and Ynojosa, who would have had my head, when you thought me worthy of a salute. Now, though I confess there may be some errors, I will not justify myself; yet they are not such gross defects as the world would make them appear, I desire they may be admitted cum notis. They are no errors of wilfulness, nor of corruption, nor oppressing of the people, for my soul, but contrary, and then may I say, for what good deed is my deed like?—And now I might enumerate more particulars, but I have been long, and so will forbear; and will only infer, if your Supply must not go [illegible] and engagements to [illegible] will be for this place, which hath been preserved [illegible] well in war, and safe and flourishing in peace.—Now, gentlemen, you that are present Parliament-men when this council was [illegible], give me leave to [illegible] your own encouragement, for the honour of your King, of your own safety. I am [illegible], in which I would be glad to be [illegible] and more [illegible] than any, in my heart I [illegible] [illegible] and [illegible] that [illegible] and [illegible] and [illegible] and

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cular proceeded otherwise, than either upon ground of knowledge in themselves, or proof by examination of witnesses, or other evidence: In which course of service for the public good, as we have not swerved from the parliamentary ways of our predecessors, so we conceive that the discovery and reforming of errors, is so far from laying an aspersion upon the present time and government, that it is rather a great honour and happiness to both, yielding matter to great princes, wherein to exercise and illustrate their noblest virtues.—And although the grievous Complaints of the Merchants from all parts, together with the common service of the subjects well affected to those who profess our religion, gave us occasion to debate some businesses that were partly foreign, and had relation to affairs of state, yet we beseech your may to rest assured, it was exceeding far from our intention, either to traduce your counsellors, or disadvantage your negotiations.—And tho' some examples of great and potent ministers or princes, heretofore questioned in parliament, have been alledged, yet was it without paralleling your maj.'s government, or councils, to any times at all, much less to times of exception.—Touching the Letter of your maj.'s secretary, it was first alledged by your advocate for his own justification, and after, by direction of the committee, produced to make good his allegation.—And for the Search of the Signet-Office; the copy of a letter being divulged, as in your maj.'s name, with pregnant cause of suspicion, both in the body and direction thereof, to be suppositious; the committee, out of desire to be cleared therein, did, by their order, send some of themselves to the signet-office, to search whether there were any records of letters of that nature, without warrant to the officer for any, much less for a general search.—But touching public Records, we have not forborn, as often as our businesses have required, to make search into them, wherein we have done nothing unwarranted by the laws of your realm and the constant usage of parliament. And if, for the ease of their labours, any of our committees have desired the help of the officer's repertories, or breviats of direction, we conceive it is no more than any subject, in his own affairs, might have obtained for ordinary fees.—Now, concerning your maj.'s servants, and, namely the duke of Buckingham; we humbly beseech your maj. to be informed by us your faithful commons, who can have no private end but your maj.'s service, and the good of our country, That it hath been the antient, constant, and undoubted right and usage of parliaments, to question and complain of all persons, of what degree soever, found grievous to the common-wealth, in abusing the power and trust committed to them by their sovereign. A course approved not only by the examples in your father's days, of famous memory, but by frequent precedents in the best, and most glorious reigns of your noble progenitors, appearing both in records and histories: without which liberty in parliament, no private man, no servant to a king, perhaps, no counsellor, with honour exposing himself to the hazard of great enmity and prejudice, can be a means to call great men into question for their misdemeanors, but their common-wealth might languish under their pressures without redress: and whatsoever we shall do accordingly in this parliament, we do but it or but it shall redound to the honour of the crown, and welfare of your subject.—Lastly, We most humbly beseech your maj. graciously to conceive, that though it hath been the long custom of parliaments to humble the matter of Supply with the last of their businesses; yet in this time, out of extraordinary respect to your person, and care of your affairs, we have taken the same into more speedy consideration; and most happily, on the very day of your maj.'s inauguration, with great alacrity and unanimous consent, after a short debate, we grew to the resolution for a present Supply well known to your maj.—To which, if additions may be made of other great things for your service, yet in consultation amongst us, we doubt not but it will appear, That we have not receded from the truth of our first intention, so to supply you, as may make you safe at home, and feared abroad, especially if your maj. shall be pleased to look upon the way intended in our promise, as well as to the measure of the gift agreed.—With the like humility we beseech your maj. not to give ear to the slanderous reports of private persons for their own ends, which hath occasioned so much loss of time, as to judge our proceedings whilst they are in agitation, but to be pleased to expect the issue and conclusion of our labours, which, we are confident, will manifest and justify to your maj. the sincerity and loyalty of our hearts, who shall ever place it a high degree of happiness the performing of that duty and service in parliament, which may most tend to your maj.'s honour and the good of your kingdom."

The Commons adjourn by the King's Desire.] After this Remonstrance was read to the king by Mr secretary Cooke, his maj. said to the commons, "That he would not then give Answer to it, but expected and desired that the commons would adjourn, as the lords had done, until the 15th of the same month, and that then they would repair the time they had hitherto lost." On the report of this to the house, a debate arose, and the question being twice put, Whether to adjourn, or not? it was carried in the affirmative, on a division 150 against 140, and the house adjourned itself to Thursday in Easter week.

During this short recess, we shall look back into some Proceedings of the Lords in the course of this session, in order to pave the way for a full explanation of what was to be done against the duke of Buckingham, at the next meeting of the parliament.

The Lords consider the State of the Realm.] March 6. The house was put in mind that their lordships had now sat a month, and yet

The Earl of Bristol to the Lord Conway.

"My lord, I have received your letter of the 24th of March, the 28th, and I am infinitely grieved to understand, that my former answer to yours of the 4th of March hath not satisfied his maj. which I will endeavour to do to the best of my understanding, and, to that end, shall answer to the particular points of your present letter with the greatest clearness I am able. First, Whereas you say in your letter, That the question propounded to me was plain and clear, viz. Whether I would chuse to sit still without being questioned for any errors passed in my negotiations in Spain, and enjoy the benefit of the late gracious pardon, whereof I may take the benefit? Or whether, being content to wave the advantage of that pardon, I should put myself into a legal way of examination for the trial thereof? &c. 1st, Your lordship may be pleased to remember your last proposition was, Whether I desired to rest in the security I was in? which you now express, Whether I will chuse to sit still? 2ndly, Your proposition was, Whether I would acknowledge the gracious favour of his maj. that now is, who had been pleased not to question my actions? When it is best known to your lordship, That, by a commission of the lords, I was questioned upon 20 Articles, divers insisting felony and treason although it be true, That when I had so answered (as I am confident their lordships would have cleared me) I was so unhappy as their lordships never met more about that business.—But now your proposition is, Whether I will now chuse to sit still without being further questioned for errors passed? Whereas before it was required I should acknowledge that I have not been questioned at all; which is a different thing. But conferring both your letters together, and gathering the sense and meaning, by making the latter an explanation of the former, which I could have wished your lordship would have more clearly explained, I return unto your lordship this plain and direct answer. That I understand, by the security I am in, and sitting still, and not being further questioned, that I am restored to the bare freedom and liberty of a subject and peer: for if a man be called in question by his maj. yet afterwards his maj. shall be pleased, out of his goodness, that he rest quiet and secure, and that he shall not be further questioned; I conceive that it is not apparent that his liberty naturally revolveth unto him, when by his majesty's grace he is pleased to declare he shall not be further questioned, but may live in further security. So that, understanding your letter in this sort, (for no direct answer can be made, until the sense of the question be truly stated) I do most humbly acknowledge and accept his maj.'s grace and favour, and shall not wave any thing that shall come to me by the pardon of the 21 Jac. nor by the pardon of his maj.'s coronation. And am so far from haggling, as you are pleased to express it, for future favour (though I hope my humble and submissive courses of petitioning his maj. neither hath nor shall deserve so hard an expression) that I shall not presume so much as to press for any favour, until my dutiful and loyal behaviour may move his maj.'s royal and gracious heart thereunto; but receive, with all humbleness, this my freedom and liberty, the which I shall only make use of in such sort, as I shall judge may be most agreeable to his maj.'s pleasure.—As for the 2nd part of your letter, wherein you say, That if I desire to make use of that pardon, his maj. expects that I should at least forbear to magnify my services, or, out of an opinion of my own innocency, cast an aspersion upon his maj.'s justice, to this point I answer, That as I hope I shall never err in that sort of immodesty, in valuing my services, which I acknowledge to have been accompanied with infinite weakness and infirmities; so I trust it shall not displease, that I make use, to mine own comfort, and the honour of my posterity, of those many written testimonies, which my late most blessed master hath left me, of his gracious acceptance of my services for the space of 20 years: And likewise I hope the modest avowing of mine innocency will not be thought to cast any aspersion upon his majesty's honour or justice. I must freely confess unto your lordship, I am much afflicted to see inferences of this nature made, both in your lordship's last letter and in this. For if it shall be inferred, as a thing reflecting upon the king's honour, than a man questioned shall not endeavour to defend his own innocency before he be convicted, it will be impossible for any man to be safe, for the honour of his maj. is too sacred a thing for any subject, how innocent soever, to contest against. So likewise, God forbid that it should be brought into consequences, (as in your former letter) as a tax upon the government and justice of his late maj., and maj. that now is, that I should have suffered so long time, not being guilty. For as I never have been heard so much as to repine of injustice in their majesties, in all my sufferings, so I well know, that the long continuance of my troubles may well be attributed unto other causes, as to my own errors of passion, or other accidents; for your lordship may well remember, that my affairs were, almost two years since, upon the point of a happy accommodation, had it not been interrupted by the unfortunate mistaking of the speeches I used to Mr. Clark. I shall conclude by intreating your lordship's favour, that I may understand from you, as I hope for my comfort, that this letter hath given his maj. satisfaction; or if there should yet remain any scruple, that I may have a clear and plain signification of the king's pleasure, which I shall obey with all humility. Your Lordship's humble servant, BRISTOL."

After this the earl petitioned the house of lords, and shewed, "That he, being a peer of this realm, had not received a summons to parliament, and desired their lordships to mediate with the king, that he might enjoy the

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served your lordship's letter of the 31st of March, and with it, his maj.'s writ of summons for the parliament. In the one his maj. commandeth me, that all excuses set aside, upon my faith and allegiance I fail not to come and attend his maj., and this under the great seal of England. In the other, as in a letter missive, his maj.'s pleasure is intimated by your ldp. that my personal attendance should be forborn. I must crave leave ingenuously to confess unto your ldp. that I want judgment rightly to direct myself in this case; as likewise, that I am ignorant how far this may trench upon the privileges of the peers of this land, and upon mine and their safety hereafter: for if the writ be not obeyed, the law calleth it a misprision, and highly finable, whereof we have had late examples; and if a missive letter being answered or not, it is to be doubted would not be adjudged a sufficient discharge against the great seal of England on the other side, if the letter be not obeyed, a peer may, de facto, be committed upon a contempt in the interim, and the question cleared afterwards: so that in this case it is above mine abilities. I can only answer your ldp. that I will most exactly obey; and to the end I may understand which obedience will be, in all kinds, most suitable to my duty, I will presently repair to my private lodging at London, and there remain, until in this and other points I shall have perfected his maj.'s understanding and his further pleasure. For the second part of your lordship's letter, where your lordship saith, 'that his majesty's command is for the speedy coming up, and hasten directions for accelerating of your lordship's coming hither, not that you continue under the same restraint as before,' so that your lordship's personal attendance here is to be forborn: I conceive your lordship intendeth this touching my coming to parliament only, for as touching my coming to London, I never had at any time one word of prohibition or colourable pretence of restraint but, on the contrary, having his late majesty's express leave to come to London to follow my affairs, not only out of respect to his maj. then prince and to the duke of Buckingham, I forbore to come, until I might know whether my coming would not be less agreeable unto them. Whereunto his maj. was pleased to answer, both under the hand of the duke, and of Mr. secretary Conway, That he took my respect unto him herein in very good part, and would wish me to make use of the leave the king had given me. Since which time I never received any letter or message of restraint, only his maj. by his letter bearing date in June last, commanded me to remain as I was in the time of the king his father, which was with liberty to come to London to follow my own affairs as I pleased, as will appear unto your ldp. if you will afford me so much favour as to perase it. I have writ thus much unto your ldp. because I would not, through misunderstanding, fall into displeasure by my coming up, and to intreat your ldp. to inform his maj. thereof. And that my lord Conway, by whose warrant I was only restrained in the late king's time, of famous memory, may produce any one word, that may have such as any colourable pretence of debarring my coming up to London. I beseech your ldp. to pardon my desire to have things clearly understood, for the want of that formerly hath caused all my troubles; and when any thing is misinformed concerning me, I have little or no means to clear it, so that my chief labour is to avoid misunderstanding. I shall conclude with beseeching your ldp. to do me this favour, To let his maj. understand, that my coming up is only right to understand his pleasure, whereunto I shall, in all things, most dutifully and humbly conform myself. And so, with my humble service to your ldp. I recommended you to God's holy protection, and remain,

Your lordship's most humble servant,

BRISTOL."

April 21. The Lord Keeper delivered this Message from the King to the house of lords.

"That his majesty hath heard of a Petition preferred unto this house by the earl of Bristol, so void of duty and respect to his maj. that he hath great cause to punish him. That he hath also heard with what duty and respectfulness to his maj. their lordships have proceeded therein, which his maj. conceiveth to have been upon the knowledge they have that he hath been restrained for matters of state; and his maj. doth thereupon give their lordships thanks for the same, and is resolved to put the cause upon the honour and justice of their lordships and this house. And thereupon his maj. commanded him (the lord keeper) to signify to their lordships his royal pleasure, That he will not Bristol be sent for at this present to answer in this house, his direct commitment in his negotiations before his majesty's being in Spain, his offences whilst he was in Spain, and his offences since his majesty's coming from Spain; his scandalizing the duke of Buckingham immediately, and his majesty in reflection, with whose privity, as I by whose directions, the duke did guide his actions, and without which he did nothing. All which his maj. will cause to be charged against him before their lordships in this house."

The lords appointed a committee to attend the king, and to present their humble thanks to his majesty, for the trust and confidence he had placed in the honour and justice of their house.

During the recess of parliament the duke of Buckingham was taking great pains to ward off the blow intended against him by the commons, in which the king was his principal agent, but in vain, for that house was resolved to carry on the prosecution against him.

Resolution of the Commons against Dr. Montagu.] April 1. The two houses met again, pursuant to adjournment. And on the 17th, Mr Pym reported the Resolutions concerning Dr Montague's Books, and the Opinion

of the committee on these Sen[illegible] 1. "That Mr. [illegible] did extend the power of the Chan[illegible] the declaration thereof published in the 39 Articles, in 1562, and to the Book [illegible] by parliament. 2. "That [illegible] Bishops were [illegible] tenants [illegible] Acts of the people, and the [illegible] against them. 3 That the [illegible] of the Bishops were [illegible] the true professors [illegible] and [illegible] people in [illegible] Church of Rome. That the committee were fully of opinion, Montagu should be committed to all the [illegible] the house, but that, [illegible] church, he should [illegible] to the bishops, there to receive punishment according to his demerits [illegible] another day, [illegible] to deliver [illegible] what was best to be done, [illegible] the matter [illegible] Answer returned was [illegible] and slightly answer the Message, but pass the business that [illegible] deliver Dr Montagu [illegible] would retain the prisoner, then the [illegible] sent him, and [illegible] Sergeant [illegible] Bishops [illegible] Message [illegible] Speech.

The Commons' Proceedings against Dr Buckingham.] April 10. The Commons resolved upon the question, "That [illegible] all other business, they would [illegible] the grievances of the [illegible] But [illegible] morning and afternoon, [illegible] the end that they might not be [illegible] the consideration of [illegible] in his [illegible] Message [illegible] Speech.

The Commons' Proceedings against the Duke.] The Commons, but [illegible] in carrying on what [illegible] against [illegible] nals, "That Sir [illegible] Sir [illegible] and [illegible] their Articles [illegible] employed in the [illegible] May 1. The [illegible] brought the said earl to the [illegible] ordered to kneel, because he [illegible] High Treason, when the [illegible] asked him, "That the king had [illegible] attorney general to charge his [illegible] with High Treason, and other offences and misdemeanors of a very high nature, that they [illegible] a legal course [illegible] to [illegible] justice and use [illegible] Then the attorney general, Sir Robert [illegible] exhibited the following Articles as a Charge against the said Earl.—But when he had begun to read the said Charge, the said interrupted him, and [illegible] That he might [illegible] Petition to the [illegible], that he might come up and be [illegible] Accusation against the Duke of [illegible], and that, thereupon, [illegible] the [illegible] ed [illegible] High [illegible] Treason [illegible] more [illegible] that king, of blessed memory, of the untainted [illegible] of the said duke, and [illegible] in the duke [illegible] that it might be [illegible] upon the Tower, [illegible] his [illegible] of Spain and [illegible] lord [illegible] thanks [illegible] unto him for the [illegible] ordinances [illegible] opinion had not [illegible] him from [illegible] [illegible] [illegible]

to Ferdinando, then and now emperor of Germany; to Philip IV. then and now king of Spain, in Anno 1621, 2, and 3. And having commission, and particular and special direction, to treat with the said emperor and the king of Spain, for the plenary restoring of such [illegible] or the [illegible] and possessions of the count Palatine of the Rhine, who married the most excellent lady Elizabeth his now royal consort, the only daughter of the late king James; which were then wrongfully, and in hostile manner taken, and possessed with and by the armies of the said emperor, and king of Spain, or any other, only for preserving and keeping such other parts thereof, as were not then lost nor were then in the protection of the said late king James, and to the use of the said count Palatine and his children; and for the restoring of the electoral dignity and all the rest also to treat with the said king of Spain, for a Marriage to be had between the most high and excellent prince Charles, then Prince of Wales, the only son and heir apparent of the said late king James, and now our sovereign lord, and the most illustrious lady Donna Maria the Infanta of Spain, sister to the now king of Spain: he the said earl, contrary to his trust and allegiance, and contrary to the trust and duty of an ambassador, at Bruxelles in the kingdom of Spain, to advance and further the designs of the said king of Spain against our said sovereign lord, his children, friends and allies, falsely, wilfully, and traiterously, and with intent to ruin and subvert our said late sovereign lord the king, by sundry letters and other intelligence sent by the said earl from Madrid, in the years aforesaid unto king James and his ministers of state in England, did confidently and corruptly inform, advise, and assure the said late king, that the said emperor and king of Spain would really, fully, and effectually make restitution and plenary restoration to the said count Palatine and his children of the said dominions, territories, and possessions of the said count Palatine, and all the said electoral dignity and other rights and goods Spiritual and really, by and with the treaty and the said Marriage between the said Lady his sister, and the said prince our dear sovereign lord, according to articles propounded between the said kings, whereas in truth, the said emperor and king of Spain intended only by those Treaties, to gain time to compass their own ends and purposes, to the detriment of this kingdom; of all which, the said earl of Bristol neither was nor could be ignorant; and the said late king James by entertaining those Treaties, and continuing them upon those false assurances, given unto him by the said earl, as aforesaid, was made secure, and lost the opportunity of time, and thereby the said dominions, territories, and possessions of the said count Palatine and the electoral dignity, became utterly lost; and some parts thereof were taken out of the actual possession of the said king James, unto whose protection and safe keeping they were put and committed by the said count Palatine; and the most excellent lady Elizabeth his wife, and their children, are now utterly dispossessed and bereaved there of; to the high dishonour of our said late sovereign lord king James, to the dishersion of the said late king's children and their posterity of their ancient patrimony; and to the disanimating and discouraging of the rest of the princes of Germany, and other kings and princes in amity and league with his majesty."

II. "That the said earl of Bristol, being unable also for his late king James, as aforesaid, in the years aforesaid, and having received perfect, plain, and particular instructions and directions from his said late majesty that he should put the king of Spain to a speedy and punctual answer, touching the Treaties aforesaid and the said earl well understanding the effect of those instructions and directions so given unto him, and taking precise knowledge thereof; and also knowing how much it concerned his late king in honour and safety (as he the said earl also did) to put these Treaties to a speedy conclusion; yet nevertheless he the said earl, falsely, wilfully, and traiterously, contrary to his allegiance, and contrary to the trust and duty of an ambassador, continued those Treaties upon generalities, without effectually pressing the said king of Spain unto particular conclusions, according to his majesty's directions aforesaid; and so the said earl intended to have continued the said Treaties upon generalities, and without reducing them to certainties and to direct conclusions, to the high dishonour of his said late king and to the extreme danger and detriment of his majesty's person, to crowns and dominions, confederates and allies."

III. "That the said earl of Bristol, being well assured for his said late majesty, as aforesaid, in the years aforesaid, to the intent to discourage the said late king James from the taking up of arms, and entering into hostility with the said king of Spain, and for resisting and hindering him from attempting the invasion of his said late majesty's dominions, and the dominions of his said late majesty's confederates, friends and allies; the said king of Spain having long thirsted after an universal monarchy in those western parts of the world: hath many times, both by words and letters to the said late king and his ministers, extolled and magnified the greatness and power of the said king of Spain; represented unto his said late majesty the supposed dangers which would ensue unto him, if a war should happen between them, and affirmed and maintained unto his said late king, that if such a war should ensue, his said late majesty during the rest of his life, must expect no other to hunt in the hawk, but eat his meat in quiet when by the said earl of Bristol did, cunningly and traiterously

[illegible] person that there [illegible] towards the [illegible] any assurance [illegible] that [illegible] been undertaken; the [illegible] to [illegible], to his [illegible] and unfortunates, and to the [illegible] of Christendom, who all suffered by [illegible] to [illegible] to make to his own pro[illegible] [illegible] [illegible] [

the true religion, and to the state, it [illegible] this thing should have happened."

VIII. "That afterwards, during the Prince's being in Spain, the said earl having conference with the said prince about the Romish religion, he endeavoured, falsely and traiterously, to persuade the prince to change his religion, and to become a Romish-Catholick, and to be of obedient to the usurped authority of the Pope of Rome: and, to that end and purpose, the said earl traiterously used these words unto the said prince, 'That the state of England never did any great thing, but when they were under the obedience of the Pope of Rome; and that it was impossible they could do any thing of note otherwise."

IX. "That during the time of the Prince's being in Spain, the prince consulting and advising with the said earl and others, about the new Offer made by the king of Spain for taking the Palatine's eldest son to marry with the emperor's daughter, but then he must be bred up in the emperor's court, the said earl delivered his opinion, 'That the proposition was reasonable;' whereat, when sir Walter Aston, then present, falling into some passion, said, 'That he durst not for his head consent to it:' the earl of Bristol replied, 'That he saw no such great inconvenience in it; for that he might be bred up in the emperor's court in our religion.' But when the extreme danger, and, in a manner, the impossibility thereof was pressed unto the said earl, he said again, "That without some great action, the peace of Christendom would never be had;" which was so daungerous, and so desperate a counsel, that one near the crown of England should be poisoned in his religion, and put into the power of a foreign prince and an unfriend to our state, that the consequences thereof, both for the present and future times, were infinitely dangerous; and yet he reuuto did his disaffection to our religion and blindness in his judgment, misled by his sinister respects and the too much regard he had to the house of Austria, lead him."

Offences done and committed by the said Earl, after the Prince's coming from Spain

X. "That when the Prince had clearly found himself and his father deluded in these Treaties, and hereupon resolved to return from the court of Spain; yet, because it behoved him to part fairly, he left the powers of the despousories with the earl of Bristol, to be delivered upon the return of the dispensation from Rome, which the king of Spain insisted upon; and without which, as he pretended, he would not conclude the Marriage. The prince foreseeing and fearing lest after the despousories, the Infanta, that should then be his wife, might be put into a monastery, wrote a letter back to the said earl from Segovia; thereby commanding him not to make use of the said powers, until he could give him assurance, that a monastery should not rob him of his wife; which letter the said earl received, and with speed returned an answer

[illegible]

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II. "That the said lord Conway [illegible] him-self to be a secretary of the D. of B[illegible] ham's creation, and so acknowledgeth [illegible] in his own mind: and although he [illegible] secretary of state, and a privy counsellor [illegible] usually [illegible] his letters to each [illegible] gracious [illegible]."

III. "That as a creature of the said duke the said lord Conway hath been made the instrument of keeping the earl of Bristol in the King's present displeasure, imprisoning of him by warrants under his own hand only, for which he cannot in the end conceive they produce any sufficient warrant."

IV. "That by the space of 18 months last past, the said lord Conway hath been the cause of the earl's restraint, only by misinforming his maj. and procuring a letter of restraint upon undue grounds: and when it was made apparent unto him, that the said earl was restored to his liberty, means to follow his own affairs, by his late maj. of blessed memory, he replied, That this letter could not him by his maj. expired with the king's death."

V. "That the earl of Bristol's mother lying sick upon her death-bed, it stood, for her comfort, to see her son, and to give him her last blessing. Whereupon the earl writ to the lord Conway, to desire him to move the king for his leave; which he putting off from day to day, told the person employed, 'That, by reason of the duke's sickness, he could not find opportunity to get the duke's leave to move the king, and, having spoken with the duke, he made a negative answer in the king's name.' Wherewith the earl acquainting the king by some of his bedchamber, his maj. was in very great anger, swearing the see every had never moved him, and that to deny the said earl leave was a barbarous part; and thereupon sent him presently free leave, which the secretary hearing of, sent afterwards a letter of leave, but with divers clauses and limitations differing from the leave sent him from the king's own mouth."

VI. "That he having the businesses of the earl of Bristol in his own hands, and the earl being commanded by the king to address himself in his occasions unto his lip he would never deliver any message from the said earl, without first acquainting the said duke, and receiving his directions, and in a noble manner of freeness stuck not to send him word."

VII. "That the earl of Bristol having received from the lord Conway 20 Interrogatories in his late maj's name, drawn up by a commission of the lords appointed to search into the proceedings and employments of the said earl, in which search there was more than two months spent, divers of the said interrogatories involving felony and treason: and his maj having been pleased to assure the said earl, both by message and letters, that, upon satisfaction given to himself and the commissioners by his answers, he would presently put an end to the earl of Bristol's business, the earl of Bristol having so fully answered as would admit [illegible]

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[illegible] ed:
[illegible] in
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[illegible] earl of Bris-
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VI[illegible] 'eeping the earl
[illegible] sence, it being pretend-
[illegible] to the 40 Interrogatories,
[illegible] w questions more to be
[illegible] him he should have an-
[illegible] re solemnly, that without
[illegible] e should be admitted to his pre-
[illegible] that within 2 days he should
[illegible] questions sent unto him; the lord
[illegible] n with such ado he acknowledged
under [illegible] hand, that he had received his maj.'s
[illegible] for the sending of the said Articles,
[illegible] therein solicited on behalf
of the said earl, would never send the said
questions, and if first answered, That he had
no more to do with the earl's business."

IX. "That the earl of Bristol being set free by his late maj. to come to London, to follow his own affairs as he pleased, and thereupon having his writ of parliament sent unto him, without any letters of prohibition; yet the earl of Bristol, but of his great desire to confirm all his actions in that which he should understand would best please his maj. sent to know, 'Whether his coming or stay would be most agreeable unto his maj.?' Who was pleased to answer by a letter from my lord duke of Buckingham, 'That he took it very good part the said earl's respect unto him: but wished him to make some excuse for the present.' The which accordingly he did, and moved, 'That he might have a letter under the king's hand, to warrant his absence;' but under colour of this letter of leave, upon the earl of Bristol's own motion and desire, the lord Conway sent a letter from his maj. absolutely forbidding his coming to parliament, and therein likewise was inserted a clause, 'That the earl should remain restrained as he was in the time of his late maj and so thereby a colour of restraint, under his maj's hand, was gotten, which could never be procured in his late maj.'s time, whereby the earl of Bristol hath been unduly restrained ever since, without being able to procure any redress, or to make the lord Conway willing to understand his case, although he sent him all the papers, whereby he might clearly see, that the earl was not under restraint in his late maj.'s time; but never other answer could be procur-
[illegible]

to set himself here on his throne o[illegible]
and declare, That out of his royal [illegible]
he leaves the duke of Buckingham [illegible]
upon equal terms; and that neither [illegible]
causes shall be advanced before th[illegible]
These my humble petitions, I hope [illegible]
lordships to present unto his maj. on my [illegible]
half, and withal, what a disservice it will be [illegible]
to his maj. he enter, in confessings, if my [illegible]
accuser shall be my judge, his own witness, and [illegible]
his own confession. As touching the Charge [illegible]
itself, I have once answered it all except to [illegible]
that of my Petition; and I doubt not but to [illegible]
clear myself of every particular thereof. I ex-
pected not to have heard of these again. I
expected a remonstrance of your [illegible] with
Spain, against the state, or to be charged
with the receipt of 10 or 20,000 pounds, or
the persuading and procuring the deliv[illegible]
of some town that the crown was possessed
of, as might be the Brill or Flushing, or that I
or for being the means of the delivery of the
king's ships to serve [illegible]
those of our own religion, or to the [illegible]
of his majesty's highest affairs, which [illegible]
two or three did know of; or for treating
the greatest affairs, as it were, by [illegible]
thority, without formal [illegible]
point; or as the law calls it, [illegible]
some overt act of disloyalty and [illegible]
charged, after seven embracements, and [illegible]
ragements and inferences. I [illegible]
ships that I may have a copy of [illegible]
in writing, and time for my Answer and [illegible]
sel assigned me.—There is a great [illegible]
between the duke of Buckingham [illegible]
The duke is accused of treason, [illegible]
large, and in the king's favour; [illegible]
ne used but of that which I had [illegible]
answered, am a prisoner; and, there[illegible]
seech your lordships, that we may be [illegible]
equal condition. And, forasmuch as I [illegible]
exhibited Articles against the lord Conway,
humbly desire that his ldp may not [illegible]
this particular busines, nor use the [illegible]
name against me, ex officio, as secretary of
state; and that your lordships would be
ors unto his maj. on my behalf, that [illegible]
particular dispatches of my own and [illegible]
and sir Walter Aston's, may be brought [illegible]
and I to make use of them for my defence as
my evidences.—And as the late [illegible]
hereto[illegible]fore in the presence of many Lords here
present, affirmed, That I had neither committed
treason nor felony in my late [illegible]
permitted divers of his servants to come [illegible]
me; and his maj. that now is then said, That
he thought me an honest man; and hath lately
said, That my faults were little criminal, in
the presence of divers of your lordships and
others, and that the lord Conway did lately
offer me to come to my trial, but he thought
the coronation-pardon would free me; and
yet now my offences are made high treason.
And for that when I saw I could get no
redress from his maj. by means of the duke
of Buckingham, I did address my Petition [illegible]
[illegible] questions which [illegible]

dispatches are in the country, which he
d for up in all speed.

Attorney signified to their lordships (he
ked from what time he would charge
that he had directions to charge
er than with the dispatches of 1621,
rls, thereupon the earl besought
s, that on Monday next he might
e may be ready to make his An-
being granted by the house, I
ken lordships most humble and
ss for their favourable proceeding
withdrawn.'

d to deliver delivered a Writ ge
nto himself, viz. "Whereas I
hath made request unto
to be allowed to plead his
understands that there are
ndictment, in case of the or
and return, against him for high and fundamental laws of this kingdom: and therefore he humbly desires, That forsomuch as he hath committed this cause to the honour and justice of this house, that your lordships would proceed with all caution, that this ancient and fundamental law may receive no prejudice or blemish.'

The Duke of Buckingham's Speech against the Earl of Bristol.] The duke of Buckingham moved the house, 'That the lord chamberlain might again declare his knowledge of that which the earl of Bristol had vouched before.' Whereupon the lord chamberlain, by command of the house, did again declare his knowledge thereof, to the same effect he had on Saturday last, and the duke presently spake as followeth:

"My Lords; I can do no less on the behalf of this noble lord, of whom I will not leave it uncertain to your lordships' opinions, that he hath alledged any thing of a friend that is dead, that he might not very well say; nor offer my dead friend, who cannot answer for himself, to be thought that he had in the least kind broken the trust I reposed in him, but to my knowledge, on the behalf of them both, that I have written and sent unto him and others, not under the seal of secrecy. That if the earl of Bristol had access unto his own letters, he would go near to alter the resolution taken by advice of both lords. And I think it thus much further, (not out of any malice unto his person) That in the earl of Bristol had been my brother, considering his carriage in this business, I should have thought the Tower the fittest lodging for him.'

The Earl of Bristol's Petition that the Duke and he may be put upon equal terms.] Then a Petition of the earl of Bristol was read, in hæc verba, viz.

"To the right hon. the lords of the higher house of Parliament.

"The humble Petition of John Earl of Bristol, Humbly sheweth unto your lordships, That whereas it appeareth by the title of the Charge exhibited against the earl of Bristol, in this hon. house, that the earl of Bristol is to answer before his maj. and the peers, and that his maj. is his judge, and by Mr. Attorney's confession, this Charge is by his maj.'s relation, and so he standeth by his maj. accused: And that several points of the said Charge are grounded only upon private conferences with his maj. so that his maj. by his testimony becometh a witness. And in case the said earl should be convict, his exaltation cometh to the crown. For this regard and divers others, he humbly beseecheth your lordships to take into consideration of what consequence such a precedent may be; and therein most humbly to move his maj. for the declining, at least, of his maj.'s election to stand in testimony, in such sort as that in your high wisdoms shall think fit, if reason there and world things willingly submit himself. And forasmuch as the said earl is in unhappy, as he understandeth, to have drawn into his maj.'s high displeasure for which he is most heartily sorry, and the duke of Buckingham first moved in contestation, standeth so eminent in his maj.'s favour, what at the earl present can in the least measure to repute, but humbleth most prostrate, that his maj. should, according to his affection he and good pleasure of his own royal heart, favour, prefer, or make distance of persons in all points of grace and favour and meditation. Yet in a case of justice wherein two peers of the realm, two that have been privy-counsellors, and ambassadors employed in the same affairs, and the weapon do now contend in point of honour and their loyalty. He most humbly beseecheth your lordships to be universal into his maj. that their causes may by his maj. be equally referred to the justice of this honourable house, and that persons of such quality and condition. Further, he humbly beseecheth your lordships, so far to intimate unto his maj. the true sorrow and grief of his heart, for having ever offended. I beg and to make offer unto his maj. of the said earl's behalf of all the acts of himself and all submission not tending to the wronging of his imperial majesty that ever subject made unto his sovereign; and that your lordships would be earnest to entreat for him, for him, to his maj. That your lordships would be pleased to move his maj. to give leave that all the dispatches concerning the Negotiations of the years 1621, 2, &c. may be brought into this high court, and that he may be called to his defence. That the earl of Bristol has removed himself into Cornwall, for the use his maj.'s service, for which he may bring that himself to the earl of Bristol or his Cause. And he shall pray, &c. But not."

Unto this Petition were also annexed as follows, viz. "The Names of the Counsel of the earl of Bristol, to be heard by their Counsel learned in the Law, viz. Mr. Serj. Hedley, Mr. Serj. Bramston, Mr. Serj. Crawley, Mr. Anthony Lowe.—The Earl of Bristol, coming to the time of putting in his Answer, saith, That though the Charge looketh no further back than 1621, yet the inferences thereof are drawn from divers matters of far antienter date, so that he is constrained to send post for some of them to his house in

Printed against the Earl of Bristol's Petition, noted in Dec. and Jan.

The commons went upon the Supply, according to an order made for that purpose. It was first moved for by sir Benj. Rudyard, who also desired the house to take into their consideration the fall of Subsidies. That other rents, since the 1st of Eliz. had been generally improved, but the king's had wasted, except what is paid by the nobility and clergy. That one great cause of this fall, was the multiplicity of commissioners, who are the assessors of themselves, with certificates, &c. He moved that a search might be made into former schedules of Subsidies; and that the 1s. a pound rate on lands, and the number of subsidies, may be increased by this grant. Lastly, That some forts might be erected, and some ships maintained, for the defence of the kingdom, &c. at the country's charge. This motion was seconded by sir Geo Moore, who said, That to help the decrease of Subsidies, they on it to give one Subsidy and one Fifteenth more payable after the three now agreed on were come in.—On another motion, a grand committee was appointed to go upon his immediately; but what was done at it is not now mentioned in the Journals. A bill for a grant of Tonnage and Poundage was also preparing by the house; and a Remonstrance in the king ordered to be drawn up concerning his taking those duties without grant of parliament.—Some days after, the addition of a fourth Subsidy, to what was already voted, was agreed unto by the house, to be rated and paid after the usual manner, the last day of July come twelvemonth. When the account of the whole grant was signified to the king, he said, "That he accepted it in very good part, but desired such speed might be used in it that it might do him good."

A further Charge against the D. of Buckingham.] April 27. A new matter was started against the duke of Buckingham, concerning a plaister and a posset given to the late king James, in his last sickness. Mr Glanville made the report of it from the committee of examinations into the duke's conduct and said, That the sworn physicians had testified before them, that they had agreed upon certain directions in the king's sickness, particularly that he should have neither meat nor drink in some hours before his fit. That upon this and other matters, the committee were of opinion this should be annexed to the duke's Charge, as a transcendent presumption of dangerous consequence. On this a debate arose, and the house divided on the question, Whether the grand committee of the whole house should now sit, to take consideration of this business? And it was carried in the affirmative, by 191 against 150.

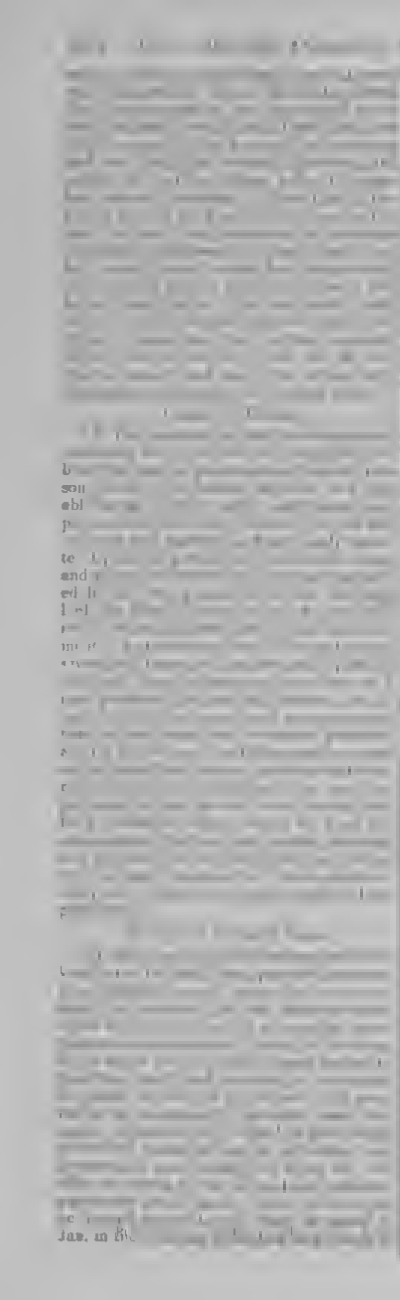
April 28. Mr. Wandesford reported from the grand committee, concerning the duke of Buckingham, a general agreement amongst all the king's sworn physicians, that nothing should be administered to the king without the joint consent of them all, &c. Upon question, it was resolved, '1. That a plaister was applied, and a drink given, to the late king, in the time of his last sickness, without the advice of his sworn physicians, and not made by his sworn apothecaries or surgeons, contrary to the general directions of the physicians, and after being particularly drunk by them. 2. That the application of the plaister and giving of the drink to the late king, as agreed upon in the first question, was an act of too much presumption, and of dangerous consequence. 3. That this drink was given to the king by the duke, and the plaister applied to him by the duke's direction. 4. That this shall be annexed to the rest of the duke's Charge."

April 29th. The king sent a message to the house, by the chancellor of the exchequer, intimating, 'That he having received their complaints of not the late of Buckingham, and he being there is new matter intended to be brought in respect of the session of the year, and the affairs of state, desires the house will not be less in time thereon; and so puts them to their own rules, either by preferring the complaint to him or to the Lords.' Thanks was ordered to be returned, by the said chancellor and others, to the king for his gracious Message.

Eight Managers appointed to conduct the Impeachment against D. of Buckingham.] The commons having entirely finished all their Articles against the duke, and agreed upon the members to carry them up to the lords, on the 30th of May they sent a message to the lords, desiring a conference with them concerning the Impeachment and Accusation of a great peer of that house, with as much convenience of speed as their occasions would permit. Accordingly, at the time appointed, the commons went up and delivered their Articles, which were managed by Sir Dudley Digges, Mr Herbert, Mr Selden, Mr Pierrepoint, Mr Whitby, Mr Pym, Mr Wandesford, and sir John Elliot. The next day, upon question, 'That the house do move the lords that the duke of Buckingham may be committed to prison,' the house divided, Yeas 232; Noes 100. The Commons Journals inform us, That the Noes would have yielded, but the Yeas would not accept it, desiring to be numbered. A committee of 20 members was also nominated to consider of the manner how the commitment should be prayed.

May 9. The duke of Buckingham moved the Lords, That as much as he business which the commons had begun the day before to declare unto a committee of this house, was not then finished, that their lordships would excuse him to speak by message again this morning concerning the same. This motion was agreed to, and a message sent to the commons accordingly. To which this answer is returned. "That at the meeting in both houses yesterday, the commons of the commons did impeach a great Lord of divers crimes and misdemeanors, which could not

guilt [illegible] rising to do all they wish, they shall [illegible] to the time of their master's [illegible] or a subject. But, for [illegible] I [illegible] freely speak, from such [illegible] [illegible] [illegible] [illegible] from the [illegible] [illegible] [illegible] [illegible]



he the said lord Zouch, on the 4th of Dec in the year aforesaid, did surrender his said office, and his letters patent of them, to the said late king and thereupon, and by reason of the premises, he the said duke obtained the said offices for his life, of the said late king, by his letters patents under the great seal of England, dated the 6th of Dec in the aforesaid year And the said office of lord warden of the cinque-ports, and of the members thereof, is an office that doth highly touch and concern administration and execution of justice, and the said office of constable of the castle of Dover, is an office that highly concerneth the keeping and defence of the town and port, and of the said castle of Dover, which is, and hath ever been esteemed for a most eminent place of strength and defence of this kingdom; the which notwithstanding, the said duke hath unlawfully ever since the first unlawful obtaining of the said office, retained them in his hands, and exercised them against the laws and statutes aforesaid."

His not guarding the Seas.

"IV Whereas the said duke, by reason of his said offices of great admiral of the kingdoms of England and Ireland, and of the principality of Wales, and of the admiral of the cinque ports, and general governor of the seas and ships of the said kingdoms, and by reason of the trust thereunto belonging, ought at all times, since the said offices obtained, to have safely guarded, kept, and preserved the said seas, and the dominion of them; and ought also, whensoever they wanted either men, ships, munition, or other strength whatsoever, that might conduce to the better safeguard of them, to have used, from time to time, his utmost endeavour for the supply of such wants, to the right hon the lords and others of the privy council, and by procuring such supply from his sovereign, or otherwise He the said duke hath, ever since the dissolution of the two Treaties mentioned in the act of subsidies of the 21st of the late king James, of famous memory, (that is to say the space of three years last past) neglected the just performance of his said office and duty, and broken the said trust therewith committed unto him; and hath not, according to his said offices, during the time aforesaid, safely kept the said seas; insomuch that by reason of his neglect and default therein, not only the trade and strength of this kingdom of England hath been, during the said time, much decayed; but the same seas also have been, during the same time, ignominiously infested by pirates and enemies, to the loss both of very many ships and goods, and of many of the subjects of our sovereign lord the king, and the dominion of the said seas, being the ancient and undoubted patrimony of the kings of England, is thereby also in most imminent danger to be utterly lost."

His unjust Stay of the Ship of Newhaven, called St. Peter, after Sentence.

"V. Whereas about Michaelmas last past, a [illegible] pledge is [illegible] ship called the St. Peter of Newhaven [illegible] John Malleran was master [illegible] goods, merchandize, monies, jewels [illegible] modities to the value of 40,000 [illegible] abouts, for the proper [illegible] subjects of the king [illegible] hours, the then governor of N[illegible] other subject of the French king [illegible] fect amity and league with our [illegible] the king, was taken at sea by [illegible] of his maj's fleet, set forth [illegible] command of the said duke [illegible] from him the said duke [illegible] England, as by the [illegible] dinary commission which he [illegible] command of the said fleet, [illegible] together with human goods [illegible] into the port of Plym[illegible] many others, upon pretence [illegible] ship or goods belonged to the [illegible] king of Spain And that [illegible] said goods and lading were [illegible] the said ship St. Peter, [illegible] rels of cochineal, 8 [illegible] ver, 2 boxes of pearl and [illegible] gold, jewels, monies, and [illegible] value of 20,000l or thereabouts, and the said duke were delivered into the [illegible] body of one Gabriel Marsh, servant to the said duke; and that the said ship, with the [illegible] her goods and lading, was from [illegible] into the river of Thames, and there detained; whereupon there was an arrest at Newhaven in the kingdom of France, on the 7th of Dec. last, of two English merchant ships trading thither, as was alledged in certain petitions exhibited by some English merchants trading into France, to the lords and others of his maj's most hon privy-council; after which, that is to say, on the 28th of the said month, his maj. was pleased to order, with the advice of his privy-council, That the said ship and goods, belonging to the subjects of the French king, should be re-delivered to such as should reclaim them; and accordingly intimation was given to his maj.'s advocate in the chief court of admiralty, by the right hon Sir Dan Cook, knt. one of his maj's principal secretaries of state, for the restoring and discharging the said ship and goods in the said court of admiralty And afterwards, that is to say, on the 23rd of Jan. last, it was decreed in the said court by the judge thereof, with the assent of the advocate, That the said ship with whatsoever goods so seized on or taken in her, (except 10 Mexico hides, 16 sacks of ginger, one box of gilded beads, 5 sacks of ginger more, mentioned in the said decree should be cleared released from further detention, and delivered to the master; and thereupon a commission under seal was in that behalf thence sent out of the said court to sir Allen Apsley sir John Wolstenholme, and others, for the execution thereof. The said duke, notwithstanding the said order, commission and decree, detained still to his own use the said [illegible] ver, pearls, emeralds, jewels, monies, and merchandizes, so taken out of the said ship as aforesaid, pledged [illegible] of Southampton [illegible] Dec last at

royal, called the Vanguard, then under the command of capt. John Pennington, and other merchant ships of great burthen and value, belonging to several persons inhabiting in London, the natural subjects of his majesty, to be conveyed over, with all their ordnance, munitions, tackle and apparel, into the ports of the kingdom of France, to the end that, being there, they might the more easily be put into the hands of the French king, his ministers and subjects, and taken into their possession, command and power: and accordingly the said duke, by his ministers and agents, with menaces, and other ill means and practices, did there, without order of justice, and without the consent of the said masters and owners, unduly compel and enforce the said masters and owners of the said merchant-ships, to deliver the said ships into the said possession, command and power of the said French king, his ministers and subjects: and by reason of his compulsion, and under the pretext of his power as aforesaid, and by his indirect practices as aforesaid, the said ships aforesaid, as well the said ship royal of his maj. as the others belonging to the said merchants, were there delivered into the hands and command of the said French king, his ministers and subjects, without either sufficient security or assurance for re-delivery, or other necessary caution in that behalf taken and provided, either by the said duke himself, or otherwise by his direction, contrary to the duty of the said offices of great admiral, governor-general, and keeper of the said ships and seas, and to the faith and trust in that behalf reposed, and contrary to the duty which he ought to our sovereign lord the king in his place of privy-counsellor; to the apparent weakening of the naval strength of this kingdom, to the great loss and prejudice of the said merchants, and against the liberty of those subjects of our sovereign lord the king that are under the jurisdiction of the admiralty."

His practice for the employment of them against Rochelle.

"VIII. The said duke, contrary to the purpose of our sovereign lord the king, and his majesty's known zeal for the maintenance and advancement of the true religion established in the Church of England, knowing that the said ships were intended to be employed by the said French king against those of the same religion at Rochelle, and elsewhere, in the kingdom of France, did procure the said ship royal, and compel, as aforesaid, the said other ships to be delivered unto the said French king, his ministers and subjects, as aforesaid, to the end the said ships might be used and employed, by the said French king, to his intended war against those of the said religion in the said town of Rochelle, and elsewhere within the kingdom of France: and the said ships were, and have been since, so used and employed by the said French king, his ministers and subjects, against them. And thus the said duke did, as aforesaid, in great and [illegible] apparent prejudice of the said religion, [illegible] the purpose and intention of our sovereign lord the king, and against his duty in that behalf, being sworn counsellor to his maj., and to the great scandal and dishonour of his person. And notwithstanding the delivery of the said ships by his procurement and commission, as aforesaid, to be employed, as aforesaid, the said duke, in cunning and cautelous manner, to mask his ill intentions did, at the parliament held at Oxford in Aug. last, before the commons of both houses of parliament assembled, declare, that the said ships were not, nor should they be so used and employed against those of the said religion, as aforesaid, in contempt of our said sovereign lord the king, and in abuse of the said houses of parliament, in violation of that truth which every man should profess."

His compelling Lord Roberts of Truro to buy his Title of Honour

"IX. Whereas the Titles of Honour of this kingdom of England were wont to be conferred, as great rewards, upon such virtuous and industrious persons as had merited them by their faithful service, the said duke, by his importunate and subtile procurement, hath not only perverted that ancient and honourable way, but also unduly, for his own particular gain, he hath entered into such that were rich (though unwilling to part with their honour, as the lord Roberts, baron of Truro, who, by practice of the said duke and his agents, was drawn up to London, in or about Oct. in the 22nd year of the reign of the late king James of famous memory, and there so threatened and death with him, unless for reason thereof he yielded to give, and accordingly did pay the sum of 10,000*l.* to the said duke, and to his use; for which said sum, the said baron, the month of Jan. in the 23rd year of the said late king, procured the title of baron Roberts of Truro to the said lord Roberts. In which premises, as the said lord Roberts was much [illegible] so the example [illegible] and dishonour of the nobility of this kingdom."

His selling Places of Judicature.

"X. Whereas the Places of Judicature in the courts of justice of our sovereign lord the king, more than the like preferments given by the kings of this realm ought to be procured by any subject whatsoever for any reward, bribe, or gift, he the said duke, in or about the month of [illegible] in the 18th year of the reign of the late king James of blessed memory, did procure of the said king, the office of high treasurer of England to the lord viscount Mandeville, now earl of Manchester; which office, at his procurement, was given and granted accordingly to the lord visc. Mandeville: and, as a reward for the said procurement of the same grant, he the said duke did then receive to his own use, of and from the said lord visc. Mandeville, the sum of 20,000*l.* of lawful money of

20th years of the said king, he did procure to himself several releases from the said king, of divers great sums of money of the said king, by him privately received, and which he procured, that he might detain the same for the support of his places, honours, and dignities. And these things, and divers others of the like kind, as appeareth in the schedule annexed, hath he done, to the exceeding diminution of the revenue of the crown, and in deceit both of our sovereign lord the king that now is, and of the late king James, of famous memory, and to the detriment of the whole kingdom."

His transcendent Presumption in giving Physick to the King

"XIII. Whereas special care and order hath been taken by the laws of the realm, to restrain and prevent the unskilful administration of physick, whereby the health and life of man may be much endangered: and whereas most especially, the royal persons of the kings of the realm, in whom we their loyal subjects humbly challenge a great interest, are, and always have been esteemed by us, so sacred, that nothing ought to be prepared for them, or administered unto them, in the way of physick or diet, in the times of their sickness, without the consent and direction of some of their sworn physicians, apothecaries, or surgeons: and the boldness of such (how near soever to them in place and favour) who have forgotten their duties so far as to presume to offer any thing unto them beyond their experience, hath been always ranked in the number of high offences and misdemeanors. And whereas the sworn physicians of our late sovereign lord king James, of blessed memory, attending on his majesty in the month of March, in the 22nd year of his most glorious reign, in the times of his sickness, being an ague, did, in due and necessary care of, and for the recovery of his health, and preservation of his person, upon and after several mature consultations in that behalf had and holden, at several times in the same month, resolve and give directions, that nothing should be applied or given unto his highness, by way of physick or diet, during his said sickness, but by and upon their general advice and consents, and after good deliberation thereof first had, more especially by their like care, and upon like consultations, did justly resolve, and publickly give warning to, and for all the other gentlemen, and other servants and officers of his said late maj.'s bed-chamber, that no meat or drink whatsoever should be given unto him, within 2 or 3 hours next before the usual time of, and for the coming of his fit in the said ague, nor during the continuance thereof, nor afterwards, until his cold fit was past. the said duke of Buckingham, being a sworn servant of his said late maj. of and in his maj.'s said bed-chamber, contrary to his duty, and the tender respects which he ought to have had of his majesty's most sacred person, and after the consultations, resolutions, directions, and warning aforesaid, did, nevertheless, without any sufficient warrant in that behalf, unduly cause to be made certain plasters, and a certain drink or potion to be provided for the use of his said majesty, without the direction or privity of his said late majesty's physicians, not prepared by any of his sworn apothecaries or surgeons, but compounded of several ingredients to them unknown notwithstanding the said plasters, or some plaster like thereunto having been formerly administred unto his said maj. did produce such ill effects, as that some of the said sworn physicians did altogether disallow thereof, and utterly refused to meddle any further with his said maj. until those plasters were removed, as being hurtful and prejudicial to the health of his maj.; yet, nevertheless, the same plasters, as also a drink or potion, was provided by him the said duke, which he, the said duke, by colour of some insincerity and slight pretences, did, upon Monday the 21st day of March, in the 22nd year aforesaid, when his maj. by the judgment of his said physicians, was in the declination of his disease, cause and procure the said plasters to be applied to the breast and wrists of his said late maj. And then also, at and in his maj.'s fit of the said ague, the said Monday, and at several times within two hours before the coming of the said fit, and before his majesty's then cold fit was passed, did deliver, and cause to be delivered, several quantities of the said drink or potion to his said late majesty; who the reupon, at the same times, within the seasons in that behalf prohibited by his majesty's physicians, as aforesaid, did, by the means and procurement of the said duke, drink, and take divers quantities of the said drink or potion — After which said plasters, and drink or potion, applied and given unto, and taken and received by his said maj. as aforesaid, great distempers and divers ill symptoms appeared upon his said maj. insomuch that the said physicians finding his maj. the next morning much worse in the estate of his health, and holding consultation thereabout, did, by joint consent, send to the said duke, praying him not to adventure to minister to his maj. any more physick, without their allowance and approbation. And his said maj. finding himself much diseased and affected with pain and sickness, after his then fit, when by the course of his disease he expected intermission and ease, did attribute the cause of such his trouble unto the said plaister and drink, which the said duke had so given, and caused to be administred unto him. Which said inventurous act, by a person obliged in duty and thankfulness, done to the person of so great a king, after so ill success of the like formerly administred, contrary to such directions as aforesaid, and accompanied with so unhappy event, to the great grief and discomfort of all his majesty's subjects in general, is an offence and misdemeanor of so high a nature, as may justly be called, and is, by the said commons deemed to be, an act of transcendent presumption, and of dangerous consequence."

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and not men, being nothing but skin and bones, with some thin cover to their nakedness, and wearing only wooden shoes on their feet. so that they cannot eat meat, or wear good clothes, but they must pay and be taxed unto the king for it. This is a misery beyond expression, and that which yet we are free from. Let us be careful then to preserve the king's good opinion of parliaments, which bringeth this happiness to this nation, and makes us envied of all others, while there is this sweetness between his maj. and his commons, lest we lose the reputation of a free-born nation, by turbulency in parliament. For, in my opinion, the greatest and wisest part of a parliament are those that use the greatest silence, so as it be not opiniative, or sullen, as now we are by the loss of the four members that are committed.—This good correspondency being kept between the king and his people, will so join their love and favour to his maj. with liking of parliaments, that his prerogative shall be preserved entire to himself, without our trenching upon it; and also the privilege of the subject (which is our happiness) inviolated, and both be maintained to the support of each other. And I told you, if you would hear me patiently, I would tell you what exception his maj. doth take at those gentlemen that are committed. You know that eight members were chosen to deliver the Charge against the duke, but there were only 6 employed for that purpose; and to these there was no exception. As for sir D. Digges's part, that was the prologue; and in that his maj. doth conceive that he went too far beyond his commission, in pressing the death of his of blessed father in these words, 'That he was commanded by the house to say concerning the plaister applied to the king.' That he did forbear to speak further in regard of the king's honour;' or words to that effect. This his maj. conceiveth to be to his dishonour, as if there had been any underhand dealing by his maj., in applying of the plaister; and this may make his subjects jealous of his doings. In this point his maj. is assured that the house did not warrant him. Now for that which is excepted against sir John Elliot, his over bitterness in the expression upon the whole Charge, and specially upon some of the heads of it, as I never heard the like in parliament before, so I have indeed heard the like when a criminal was to be heard, or accused at a bar. For if you please to remember, when I moved for putting in the St. Peter of Newhaven out of the Charge against the duke, and showed my reasons for that purpose, you know how tender sir J. Elliot was of it, as if it had been a child of his own: and so careful in the handling thereof by a stranger, that he would not suffer it to be touched, though with never so tender a hand, for fear it might prove a changeling, which he manifest, how specious soever his pretences were, that he had oculum in cauda. And I must confess, I was heartily sorry, when he delivered his aggravation to the lords, to see his tartness against the duke; when as he had occasion to move him, he only gave him the title of 'the Man,' and 'The Man,' whereas the others observed more respect and modesty in their Charges against so great a person as the duke is, considering that then he was not convicted, but stood recta in curia. Lastly, for pressing the death of his late m[aj.] you know that the sense of the house enterta[ined] that it was only an act of presumption; nay, some of them expressly said, 'Nay, God forbid, that I should lay the death of the king to his charge.' If he, without warrant from the house, insisted upon the composition of the plaister, as if there were aliquid latet quod non patet; this was beyond his commission from our house, and this is that which his maj. doth except against: and this, I say, drew his maj. with other insolent incenters, to use his regal authority in committing them to the Tower. I move therefore, for a grand committee to consider of the best remedy to get us out of this strait."

The Commons' Protestation relating to sir D. Digges] May 13. Mr Rolles, from the committee appointed by the house, reported, "That the words spoken by sir D. Digges, against which his maj. had taken exception, were, That he should say, by the command of the house, on the particular of the plaister applied to the body of the late king, 'That he did forbear to speak any further, in regard of the king's honour;' or words to that effect." And that the committee had resolved, "That a solemn protestation should be made by every member of the house, absent or present, against their giving consent to the speaking of any such words. The form of which was as followeth: 'I protest, before Almighty God and this house of parliament, that I never gave consent that sir D. Digges should speak those words which he is now charged withal, or any words to that effect; and I have not informed to any that he did speak such words, or any to that effect."

The two Members are discharged by the King] But the king having been better satisfied of sir D. Digges's innocency in this respect, released him from the Tower, and the day after he took his seat in the house. He there made a protestation, 'That the words charged on him were so far from being his words, that they never came into his thought;' who hailed the king into this error, was common report,' and whereof, sending for his note-books, they seemed to convict it. But the case of sir John Elliot was somewhat different; though this gentleman was released from his confinement nearly as soon as the former.

Debate on the Rider moved at sir J. Elliot] May 16. The chancellor of the exchequer delivered a message from the king to the house, 'That the king was very careful not to enter upon their privileges, good testimony of which he had given by his proceedings with sir D. Digges. But that the business of sir J. Elliot was of another nature; and although his maj. by the information given him, disliked the whole manner of his delivery of that which

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he ha... indictment from ... to speak ... with the ... Sir J. ... in the house could charge him farther, they would now do it, that he might answer them severally. 1 For the word Stellionatus that for his honours, offices, &c he acted with his imitations, but for his deceit and fraud, because no word could decypher it, he used the word Stellionatus which is a beast of so many colours, as, most thinking of it cannot tell what colour it is. The instances herein were, his fraud, in drawing money from the merchants in getting them to send their ships but Prince ... the trapped to abuse the King therein, and so the parliament: all which under the word Stellionatus. 2. For ... 'He knew it was that the ships were ... in diminution to the honour;' he ... such did not know though he did hear ... return that it was true, he heard ... in the house; but neither then, nor now, ... certainly. 3 For the words, 'The ... he spoke ... to the book, but ... But he did not give the duke his ... for heaven's sake, he used the words, ... which is used in all languages, as ... He took it not at all times ... his titles, and yet thinketh him ... God: for Scipio and the ... the first he had paralleled ... not particulars. Nor did he apply the ... of Scipio to him, but ... applied by the duke to himself, by ... that his misapplication might not ... he never intended, to be ... the ... up the compared him for ... employ ... at the ... honours upon obscure ... & great ... names ... none of these ex... times ... nor ... with those. For the cut... the words of Cicero, ... in the conclusion; ... the particulars. ... table of ... For the manner of ... much vigour and ... could not excuse his ... be ... coloured, ... passion, ... with the best ... he could ... ing his commission; he ... the particulars ... and that ... an answer."

... had his justification ... the house ... conduct ... upon ... Eliot had not ... given him by the house, in any thing ... passed from him in the late conference with the lords.' The like ... Dyer, and both without ...

We shall ... to the Proceedings of the Lords in the ... this parliament, ... the ... of ... Peer, which ... a general lament at

at time, and created much disturbance in that house.

PROCEEDINGS IN THE HOUSE OF LORDS RELATIVE TO THE IMPRISONMENT OF THE EARL OF ARUNDEL DURING THE SESSION.

On the 14th of March the king had committed the earl of Arundel to the Tower, but the cause of his commitment was not expressed.* The lords were highly discontented at his commitment in time of parliament; and thereupon resolved 'to take the same into their consideration; and so to proceed therein, as to give no just cause of offence to his majesty, and yet preserve the privileges of parliament.' This gave occasion to the following Messages, Petitions, Answers, and Replies; which, as an affair of so great consequence to the peerage, we shall give in a regular series, without the intervention of any other matters.

March 24. The lord keeper signified to the house, that he was commanded to deliver this Message from his maj. unto their lordships, viz. "That the earl of Arundel was restrained for a misdemeanor which was personal to his maj. and lay in the proper knowledge of his maj. and had no relation to matters of parliament." Hereupon the house was put into a committee; and being resumed, the lords sub-committees for privileges, &c. were appointed to search for precedents concerning the commitment of a peer of this realm, during the time of parliament: and the lord chief justice (sir Randolph Crew) Mr. Justice Dodderige, and Mr Justice Yelverton, were appointed to attend their lordships in that behalf.

March 15. The lord treasurer delivered a Message from the king, in hæc verba. "Whereas, upon a motion made by one of your lordships, the lord keeper did yesterday deliver a Message from his maj. That the earl of Arundel was restrained for a misdemeanor which was personal to his maj. and lay in the proper knowledge of his maj. and had no relation to matters of parliament: his maj. hath now commanded me to signify to your lordships, that he doth avow the Message in sort as it was delivered, to have been done punctually, according to his majesty's own direction; and he knoweth that he hath therein done justly, and not diminished the privileges of that house." And, because the committee appointed to search for precedents, &c. had not yet made any report to the house, therefore the decision of this business was suspended for that time.

April 5. The earl of Hertford made Report to the house, 'That the lords committees for privileges had met; and that the first question that arose among them was, Whether those proxies were of any validity which are deputed to any peer, who sitteth not himself in parliament? And it was conceived that those votes were lost: whereupon the committee found this house to be deprived of 5 suffrages by the absence of the earl of Arundel, unto whom they were intrusted: and the committee finding by the Journal-Book, that the sub-committee, which was appointed to search precedents for privileges concerning the commitment of a peer in the time of parliament, had not yet made report to the house: and then considering together their notes of precedents whereof they made search, found that no one peer had been committed, the parliament sitting, without trial of judgment of the peers in parliament; and that one only precedent of the bishop of Winchester, in the book-case, in the reign of Edw. 3 which was here urged, cannot be proved to be in parliament-time; and this the lords of the grand committee thought fit to offer to the consideration of the house."—Hereupon the house was moved to give power to the lords sub-committees for privileges, &c. to proceed in the search of precedents of the commitment of a peer of this realm during the time of parliament; and that the king's counsel might shew them such precedents as they have of the said commitment: and that the said sub-committee may make the report unto the house at the next access. All which was agreed unto, and those lords were called unto the said sub-committee, viz. the lord treasurer, lord president, d. of Buckingham, earls of Dorset, Devon, and Clare, visc. Wallingford, visc. Mansfield, and lord North, the king's counsel were also appointed to attend these lords.

April 23. The lord president reported the proceedings of the said sub-committees for privileges, &c. upon commitment of the earl of Arundel, viz. "That the king's counsel had searched and acquainted the lords sub-committees with all that they had found in records, chronicles and stories, concerning this matter: unto which the said lords sub-committees had given full answer, and also shewn such precedents as did maintain their own rights."—The precedents being read, it was resolved upon the question, by the whole house, *nem. dis.* That the privilege of this house is, That no lord of parliament, the parliament sitting, or within the usual time of privileges of parliament, is to be imprisoned or restrained without sentence or order of the house, unless it be for treason or felony, or refusing to give surety of the peace." And it was thereupon ordered, That the said lords sub-committees for privileges, &c. or any 5 of them, shall meet this afternoon, to consider of a Remonstrance and Petition of the peers concerning the claim of their privileges from arrests and imprisonments during the parliament which was conceived by the lords sub-committees for privileges, according to the order of the house, and was read openly, viz.

"May it please your majesty. We the peers of this your realm, assembled in parliament [illegible]

* Mr. Rushworth tells us, 'It was conceived to be about the marriage of the lord Maltravers, the earl's eldest son, to the young duke of Lenox's sister, which was brought about by the contrivance of the countess of Arundel and the old dutchess of Lenox.'

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d ration the petition exhibited by their lordships on the 19th, concerning the earl, and will return an Answer thereunto with all expedition.

May 2. It was ordered that the lord keeper should move his majesty from the house, for a speedy and gracious Answer unto their Petition on the earl of Arundel's behalf: and on the [illegible] unified unto their lordships, according to the said order, he had moved his majesty from the house on the behalf of the said earl, who answered, "That it is a [illegible] great deal of care, [illegible] their lordships attention, [illegible] hath it in his consideration how to do it, [illegible] hath been interrupted by other business, [illegible] Mr Attorney hath had occasion of [illegible] conference with him: their lordships [illegible] all the convenency [illegible] their lordships satisfaction, and return them [illegible] Answer."

[illegible] being again moved to peruse [illegible] the earl of Arundel, [illegible] appointed to set down the [illegible] Petition; who reported the [illegible] "May it please your [illegible] the house of peers [illegible] parliament, did, the 10th [illegible] present unto your majesty an humble [illegible] Petition concerning the [illegible] in Parliament, and in [illegible] earl of Arundel; whereunto [illegible] gracious Answer, that in [illegible] he should receive a full An- [illegible] well-minded [illegible] gracious [illegible] being in [illegible] we are pressed by that bu- [illegible] visitors to your majesty for a [illegible] Answer."—This being [illegible] the house, and the said [illegible] the same unto [illegible] such time as the lord [illegible] unto them, that his [illegible] the [illegible] presence.

[illegible] reported the [illegible] Petition, viz. "I did [illegible] the house; [illegible] and did never know [illegible] unto the [illegible] message fit [illegible] sovereign, you shall [illegible] lord president for- [illegible] committees ap- [illegible] the king, did [illegible] prostrate him humbly [illegible] ceased to let them [illegible] at point in said petition he [illegible] that his majesty, called [illegible] viz. "The exception [illegible] peremptoriness of the [illegible] Answer, and the king [illegible] time, since he hath [illegible] convenient time." [illegible] their former Peti- [illegible] present,' and appoint- [illegible] humbly to deliver the

May 13. The lord president reported the king's Answer to the Petition, viz. "It is true your word 'present,' was somewhat strange unto me, because you do not use it from me house to another: but now, that I know your meaning, you shall know my Answer so soon as conveniently I can, and that I will assure you, it shall be such an Answer as you shall see I will not trench upon the privileges of your house."

May 17. Their Lordships being moved to renew their humble Petition to the king in favour of the earl of Arundel, a Committee was accordingly appointed to draw up the same, which is as follows —

"May it please your majesty; The cause that moved us most humbly to attend your majesty on the whole body, as at first we did, is because we observe that the house of commons have speedily received a member of theirs being committed.* We the peers being ambitious to deserve of your majesty and to appear to the eye of the world as much respected in our rights and privileges as any peers or commons have ever been, acknowledging you a king of as much goodness as ever king was, do thus again humbly beseech that the earl of Arundel, a member of our house, may be restored to us, it so much concerning us in point of privilege, that we will suffer in what he suffers in this his restraint."—The above Petition was ordered to be presented at such time, as the lord chamberlain should signify his majesty's pleasure to admit their lordships to his presence.

May 19. The Lord Chamberlain signified to their lordships, that his majesty had acquainted therewith, is pleased that this house attend him at 2 this afternoon, at Whitehall. The next day the king returned this Answer — "My lords; I see that in your Petition you acknowledge me a king of as much goodness as ever was; for which I thank you, and I will endeavour, by the grace of God, never to deserve others, but in this I observe you contradict yourselves, for if you believe me to be such as you say I am, you have no reason to mistrust the sincerity of my promises: for, wherein upon often petitions made by you unto me concerning this business, I have promised to give you a full Answer with all convenient speed: by this again importuning of me you seem to mistrust my former promises; but certainly I see there is an emergent cause, for that I have delivered a member of the lower house. In this, my lords, by your favours, you are mistaken, for the causes do no way agree; for that he that was committed of the h. of commons, was committed for words spoken before both houses; which being such as I had just cause to commit him, yet, because I found they might be words only misplaced, and not ill meant, and were so conceived by many honest men, I was content, upon this interpretation, to release him, without any suit from the lower house; whereas my lord of Arundel's fault was directly against myself, having no relation to the parliament; yet because I see you are so impatient, I will make you a fuller Answer than yet I have done; not do thing but that you will rest contented therewith. It is true I committed him for a cause which most of you know, and, though it had been no more, I had reason to do it, yet, my lords, I assure you that I have things of far greater importance to lay to his charge, which you must excuse me for not telling you at this time, because it is not ripe, and it would much prejudice my service to do it. And this, by the word of a king, I do not speak out of a desire to delay you, but, as soon as it is possible, you shall know the cause, which is such as I know you will not judge to be any breach of your privilege; for, my lords, by this I do not mean to shew the power of a king by diminishing your privileges."

This Answer being read again, it was ordered, "That the committee for privileges shall meet and consider how to proceed further, with due and respect to his maj.; and yet so as it may be for the preservation of the privileges of the peers of this land, and the liberties of the house of parliament."

May 24. The lord president reported the Petition agreed on by the lords committees for privileges, &c. in these words: "May it please your most excellent majesty, Whereas our care or desire to preserve the right of peerage, yet it is far from our thoughts either to distrust, or press any thing that stands not with the affection and duty of most humble, loyal and loving subjects: and therefore all humility we these ourselves before your majesty, humbly beseeching your majesty that with all possible convenience, your maj. will please either to restore the peer to his present employment or express such cause as may not infringe our privileges."—This Petition was generally approved, and ordered to be presented to his maj. by the whole house, and the earl of Carlisle and the lord Conway were sent to know the king's pleasure when they should attend his maj. Who, being returned, reported, That his maj. had appointed that afternoon for the same.

May 25. The lord keeper delivered the king's Answer as follows —"My lords; Your coming to me, about this business, made me suspect at first lest ye did mistrust me; but now since I see ye rely so fully on me, I assure ye it shall prevail more upon me than all importunities. And if ye had done this at first, I should have such ye content. And now I assure ye, I will use all possible speed to give ye satisfaction, and at the furthest before the end of this session of parliament."—This being read the 2nd time the house was moved, That all business might be laid aside, and that consideration might be had how their privileges may be preserved to posterity. And the house was put into a committee for the more debate thereof, and afterwards resumed and

* Sir Dudley Diggs. See p. 122.

Printed and published under the Superintendence of Samuel Lee Anderson, Esq. Chief Clerk of the House of Lords.

…ded him to signify his pleasure,
…ll, he might contented their lordships journ
…till Monday next; and in the
…the house will take this particular
…to the [illegible] instrument." Hereupon
…agreed, That the lord keeper do
…with his majesty from the house, their
…thanks for his gracious respect
…their proceedings, and performed accord-

…The lord keeper delivered the Mes-
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maj. might at his own pleasure descend from his own right and prerogative, and that it may appear to all the world that his maj. in his gracious goodness, is pleased to allow the earl of Bristol all ways of defence, in a more ample measure than is due unto him by law; he is content, and doth hereby give full leave, that in this particular case, the earl of Bristol may have counsel, both to advise him, and to speak and plead for him. But whereas their lordships message put his maj. in mind of a general order, made the 22nd of his late royal father's reign; he remembered that upon the occasion of the earl of Middlesex's cause, which was only criminal and not capital, an order was made in the house, which his maj. never did nor will conceived to extend unto causes capital, and he is well assured, that neither the judges were then set with it in making that order, for his late maj.'s learned counsel then for him, therefore his maj. was not satisfied about that general order, nor that counsel should be allowed in a cause capital, without his licence, and would advise further thereof, and the would send answer to their lordships touching the same. — Upon the hearing of this answer from the king, the lords ordered that Mr. Serj. Hoskins, Serj. Bramston, Serj. Crawley, and Mr. Attorney, should be assigned as Counsel, to speak and plead for the earl of Bristol.

Orders relating to the Duke of Buckingham's Trial.] The same day the duke of Buckingham moved the house, to know whether he should answer the whole Charge, exhibited by the Commons against him, or such parts thereof only as their lordships should appoint him, wherein he should answer the Aggravations of the Commons, reported to this house? which he was desirous to do, that he might clear all matters therein. — Upon consideration thereof, the lords ordered, "That those Aggravations should be delivered to the clerk, to keep by himself, from all except the members of this house, and no copies to be given to any but them." Hereto the duke of Buckingham said, "I shall answer the Crimes and Misdemeanors charged upon me by the commons, but not the Aggravations, unless upon perusal thereof, he should find any thing material unanswered in that the house shall think fit that I answer." And, for expedition's sake, the duke desired the use of the original Aggravations."

The Earl of Bristol brought to the Bar, where he delivered his Answer to the Articles against him.] May 10. The earl of Bristol was brought again to the bar of the lord, when the duke of Buckingham desired that he might have leave to retire, lest his presence should give some distaste to the earl, and he withdrawn accordingly. Then the lord keeper told the earl, That their lordships did expect his Answer unto Mr. Attorney's Charge (see p. 80.) Upon which he said, "That he had brought his Answer, but desired they would excuse the length thereof, and, as to the Charge, he said, he did not see any direct treason in it, that was laid to his charge; only two points came near it by circumstances, viz. That he is ill-affected to our religion, and well-affected to Spain. For clearing of which he made a large remonstrance of zeal to the true religion, here established, even from his youth to this day; and of his constant and faithful services to the present king, his father of blessed memory, and to the state." — Then he delivered in his Answer, written on paper, but desired that it might be engrossed on parchment, which should be done with all convenient speed, and in the mean time he might have liberty to advance what he should think fit thereof, and further, that his own counsel might read his Answer, which the house was pleased to allow of; the earl setting by one or two of all the while, and explaining or enforcing any part thereof.

"The Answer of John Earl of Bristol to the Articles of several High Treasons, and other great and notorious Crimes, Offences, and Contempts, exhibited to be prosecuted in him against our late sovereign Lord king James of blessed memory, deceased, and now severally by the Knights of the Shire, Citizens, and Burgesses of the House of Commons in this present Parliament assembled, and by the said Commons in the name of themselves and all the Commons of this realm of England, and by Sir Robert Heath, Knight, his majesty's Attorney General, on his majesty's behalf, in the most high and honourable Court of Parliament, before the king and the lords there."

"The said earl not acknowledging any of the supposed treasons, crimes, matters, or things, wherewith he is charged in and by the said Articles, to be true, and saving to himself all advantage and benefit of exception, to the insufficiency and sufficiency of the said Articles, and every of the Charges in them contained, and humbly praying that his silence may not in law or wrest to his hurt, where unto he hath not been moved, but may be acknowledged according to such real and effectual grounds and reasons as in this speech shall be made, he the said earl of the things growing thereof might have cause to explain himself by answering in manner and form following, that is to say:

"To the first article he saith, "That he is not privy to or for the tried signing of the king's or his late royal father's grandchild to the king, his children, friends, and allies, or to the match with any of them, or to any treaty touching our late sovereign lord the king, by any letters, or other messages, or in the years 1621, 1622, or any other time, or to any consultation, purpose, or assent of the said late king, that the now said king's son, in either of them, should really, fully, or effectually make restitution, or plenary restitution, to the count Palatine and his children, of the dominions, territories, and possessions of his said count or of the electoral dignity, or that the king of Spain did really, fully, or effectually intend the Marriage between the said king's sister, and the prince our said sovereign lord according to the articles formerly propounded [illegible] Kirkhampton [illegible] Duke [illegible] that

and you shall ever find me to continue, as I am already, your very affectionate friend,

'ELIZABETH'

"The earl likewise received several other letters, about the same time, both from the king of Bohemia and council of Heidelberg to the same effect. And how much satisfaction his late maj. received in that behalf, and touching that business, will several ways appear, and particularly by his speech to the parliament. And the said earl likewise appealeth to both houses of parliament, to whom, by his late majesty's order, he gave a just and true Account of that employment, with what treaseal he proceeded, and how he pressed that single treaties and promises might no longer be relied on, but that a fitting preparation for a war might go, hand in hand, with any treaty of accommodation; and, for a conclusive testimony of his late majesty's approbation of his carriage in this employment, he humbly desireth that a letter of the duke of Buckingham's, under his own hand, bearing date the 11th of Oct 1621, may be read viz —' My lord I am exceeding glad your ldp hath carried yourself so well in this employment, that his maj is not only infinitely pleased for the service you have done, for which he commanded me to give your ldp thanks in his name, until he see you himself, but that you have given all men cause to commend his majesty's choice of such a man, that, unless your heart had gone with the business, could never have brought it to so good a pass. Amongst other things his maj. liketh very well the care of clearing his honour, whereof he will advise further with your ldp at your coming over. I hope you will not find your negotiation with the Infanta of such difficulty as you seem to fear in your letter, seeing my brother Edward hath brought with him a letter from his majesty's son-in-law, whereby he putteth himself wholly to his majesty's advice and pleasure for his submission. And as for the money your ldp. hath so very seasonably laid out, his maj. will see you shall sustain no loss, holding it very unreasonable you should suffer any thing by the care of his service, which you have shewed so much to his contentment, and the great joy of your lordship's faithful servant, G BUCKINGHAM."

"Having given this Account of his employment with the Emperor, he humbly craveth leave to make it known in what sort, before this his employment, he endeavoured to serve the prince Palatine and his cause; which will best appear by his majesty's own testimony, upon the going of sir Fran Nethersale to the prince Palatine; at which time his maj being, out of his royal and just heart, desirous to do a faithful servant right, commanded sir F. Nethersale to let the prince Palatine understand how good a servant the said earl had been unto him, and how active in his affairs, as will best appear by a dispatch of sir F. Nethersale, written all in his own hand, to sir Geo. Calvert, in answer to what was commanded him, dated at Prague 11th Aug. 1622, and sent by [illegible] to the said earl for his comfort [illegible] Right Hon. That you may be better be assured, that I have not [illegible] neglected the commandment [illegible] by your honour, you will be pleased to hear the patience to hear me report what I said to the king upon delivery of his lordship's letters to his maj. which was, that the king my master, whose [illegible] is so much renowned over the world did so honour nothing more than in his calling his servants from wrought quarrels, and not he knew humble hearts were more sensible than of injuries done to their [illegible] masters fortunes, that, out of his royal disposition to his maj having found my lord Digby undertaken by some of his people at home [illegible] in his being by him employed in the affairs with Spain, and having therein conceived a jealousy that the said noble lord might also be misreported either to the prince Palatine, had, in that respect given me particular commandment to assure the prince, that his highness had not a more truly affectionate servant in England; and, for proof thereof, to let the prince understand, that whereas the baron Donagh, now his highness's ambassador in England, had, since his coming thither, obtained but three great points for his master's service, to wit, the Loan of Money from the king of Denmark, the Contributions in England of the city and country, and the sending of Ambassadors to the contrary party that the lord Digby had been the first propounder of all those to the king my master, before his highness's ambassador, or any other of his servants in England; although his ldp had been contented, that others who were but set on should carry away the thanks and prize; because his ldp. being known to be the first mover therein, might possibly weaken the credit he hath in Spain, and so render him the more unable to serve both his own master and the prince, in which respect I humbly prayed his highness also to keep this to himself.—By which testimony it may appear, as the said earl conceiveth, how he the said earl behaved himself before his said ambassage and in his said ambassage, with his said late majesty's approbation thereof.—Now he most humbly craveth leave to give your lordships an Account how he proceeded after his Return from the emperor's court: as soon as he came into England, he discovered to his maj and the lords of his council, in what great want he had left the forces in the Palatinate, and solicited the present sending away of money; and thereupon 30,000*l.* was borrowed of sir Peter Vanlore, sir Baptist Kirks, and sir Wm. Cockaine, and presently sent into the Palatinate, besides the 10,000*l.* which he had lent, for which he paid the interest out of his own purse 6 months, having also given, not long before, 500*l.* by way of Benevolence, to the service of the said Palatinate. Now, in the interim betwixt his return from the emperor, [illegible] Southampton [illegible] Duke [illegible]

God to punish their wickedness; for, betwixt princes, there can be no greater vice than their words, oaths, bands, and seals, all which he procured in that behalf: and both he, the said earl, and sir Walter Aston, were so confident that the business should be effected to his late maj.'s satisfaction, that, in a manner, [illegible] to his said late maj. of the 2nd of Nov. 1623, after his now majesty's return into England, they wrote as follows —" We hope that your maj. may, according to your desire, receive from me the earl of Bristol, by the letter of the 8th Oct. give to your majesty's royal disposition, this Christmas, the comfortable news of the hear expiring of her great troubles and sufferings, as also unto the prince, your son, the congratulation of being married to a most excellent princess."

"Having thus given your lordships an Account of his proceedings touching the Palatinate, he will, by your lordships good favour, proceed to the 6th part of the charge concerning the Match. And, first, touching the Hopes and assurances, that he is charged to have given to his late maj. and ministers of state here in England, of the Spaniards real proceedings in the said Match, when it is said he knew they never meant it; he saith, He never gave any hopes of their real proceeding, but such and the very same that were first given unto him, without adding or diminishing; neither could he have done otherwise with honesty or safety. And he further saith, That the hopes he gave were not upon slight and vain intelligence, but, as well in that of the Match, as the other of the Palatinate, his advertisements were grounded upon all the assurances, both upon word and writing, that could pass betwixt Christmas, as will evinde evidently appear by his dispatch of the 9th Sept. 1623; which he humbly desireth may be read, if the length of it may not displease: the substance of it being to shew by all the engagements and promises of the king of Spain, that he really intended the Match, and the cause why the conde D'Olivares pretended to the duke of Buckingham, that the Match was not formerly meant, was only thereby to free himself from the treating any longer with the said earl, to the end he might treat for larger conditions, in point of religion, with the said duke; the said conde D'Olivares taking advantage of having the person of his master then prince, in their hands: and with this dispatch the said earl acquainted his maj. that matters, then in Spain, before he went it. And his maj. upon the reading of it, was pleased to say, That the earl had proceeded with so much caution and care, that, in case the Spaniards should be false, he might be sure to shame them for their falshood. By this dispatch the said earl doubteth not but it will appear to this most hon. court, That whilst the treating of that business was in his hands, he proceeded in it, not only with care and industry, but with some measure of [illegible]. For the clearing of an objection that hath been alleged, viz. That the Match was never meant before the duke's going into Spain, nor after; the said earl craveth leave to set down some few reasons, [illegible] many, which caused him to believe that the said Match had been really meant, and that it was so conceived, by both their majesties and the king of Spain, and their ministers in both realms, for the following reasons, viz. The duke of Buckingham certified to his late maj. That the business of the Marriage was brought to a happy conclusion, when upon his late maj. was pleased to give order to the said duke and earl to proceed in other business, which his said late maj. would not have treated until the Marriage was concluded; as will appear by a letter of his late maj. jointly to the d. of Buckingham, and the said earl, of the 28th July, 1623. 2. It will appear, by letters of the lord Conway to the d. of Buckingham, bearing date 3rd and 4th Sept. 1623, that the said duke had good assurance of the conclusion of the said Match, and, upon this confidence, all things were put in due execution in England, as both earl [illegible]; and the lord Conway, and others, fully settled and agreed all the points of immunity and liberty for the Roman Catholics for the use of their religion, as was set down in the Declaration of the 9th Aug. 1623, hereafter mentioned in the Answer to the 5th Article of this Charge. 3. The very day that his now maj. and the d. of Buckingham departed from the Escurial, in Spain, towards England, the said duke solemnly swore to the Treaty of the said Marriage, and the furthering of it all that should be in his power, upon the Holy Evangelists, in the presence of the said earl and sir Walter Aston. 4. The Treaty of Marriage had formerly been signed, sealed, and solemnly sworn to by the king of Spain, and when his maj. and that king took their leave, the king of Spain did solemnly protest, on the word of a king, faithfully and punctually to perform all that had been capitulated in the Treaty of the Marriage; and hereupon entered he into at his departure, and the same he sent a letter unto his maj. all written with his own hand, and protesting to [illegible] all that he had capitulated [illegible] and by his departure the day before [illegible] were to true meaning of [illegible] to make the Marriage, as by Master [illegible] appeareth, yet certain, that [illegible] been slightly delivered [illegible] be, as he conceiveth, any fault in [illegible] since [illegible] his late maj. but [illegible] and the d. of Buckingham being [illegible] place, did constantly believe, and that upon other grounds than the circumstances, suggestions, or persuasions of the said earl, that the Marriage was really intended and treated of, both his late maj. and his now maj. and, after his return into England, wrote unto him, the said earl several letters assuring him that their affairs and resolutions were [illegible] since the said Match proceeded in an extraordinary

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viz. That the portion should be two millions, it appeareth that it was so agreed by the late king of Spain, the present king's father; that, the dispensation coming, the deputies should be within 40 days after, and the Infanta's departure from Madrid should be within 20 days after that: and that don Diego de Portugal should be the man that should attend the Infanta in the journey; and all other particulars necessary for the conclusion of the said treaty, were by the Marquis of Aytona, the said earl, and the Spanish commissioners, drawn into articles in writing, and afterwards the articles were signed with that king, on the 2nd of March, 162$\frac{4}{5}$, O. S. by which Gentleman and the secretary Andrew Pedro, appointed to come into England to the said commissioners to ratify and confirm the same, as they did the 20th of the said month of March, O. S. by which time the Spanish ambassador, and the king's answer to the articles, the earl received, all written in the king of Spain's own hand. — On the 30th day of March, the duke of Buckingham, and the Marquis of Hamilton, then the Spanish ambassador, having at that time was [illegible] treated and concluded upon the articles of the match, and the dispensation coming from Rome, he conveyed with my colour, treated with great honour and respect, and the said [illegible] the said [illegible] the 15th [illegible] the 7th of [illegible] prince, [illegible] above [illegible] the time [illegible] been [illegible] concerning [illegible] particulars [illegible] difficulties [illegible] as they [illegible] of Bohemia, [illegible] the late king of [illegible] of the said earl's, [illegible] the said [illegible] March, 1621, [illegible] attributed unto [illegible] to those [illegible] Cranborne, and sir W. [illegible] to the space of [illegible] in Spain, from [illegible] upon all the [illegible] ject from [illegible] but ness [illegible] coming into [illegible] his designs to see his royal [illegible] bestowed, that he pressed no-

than much, both to the king and the prince, as the prince might lose no more time, and rather break the Match with Spain, than suffer any further delays, as will appear by the dispatches from his first arrival at the court of Spain, unto his majesty then prince, his coming; for in his letters of the 20th June, 1622, being the first he wrote after his first audience, he was so desirous that no time might be lost, that in them he craveth leave of his then maj. that in case he should find any delays in Spain, he might (without expecting any new order) take his leave and come home. And upon the return of sir F Cottington in Sept. following, he wrote both to the king and his maj. then prince, viz to the king as followeth 'I shall presume to add to that which Mr 'Cottington shall deliver unto your maj by 'word of mouth, of the present state of the 'Match, what I conceive to be the right way to 'bring it to a speedy issue; that your maj will 'be pleased positively to declare what will do in 'point of religion, and that you will appoint me 'a certain limited time, by which this king shall 'procure the dispensation, or conclude the 'Match without it: that in case there should be 'any further delay therein, then, I may declare 'your maj. dissatisfied, and free to bestow the 'prince in such sort as you shall judge most 'convenient' And to the prince at the same time he wrote in the subsequent words, viz. 'That 'which will be necessary for his majesty presently 'to do on his majesty's part, is to declare himself 'how far he will be pleased to extend in point 'of religion, in such form as Mr Cottington 'will propound unto your highness; and that 'he set me a prefixed limited time to bring it 'or conclude the Match, either with the dispensation or without it; and for the rest it 'may be left to my negociation, but your 'highness may be pleased to hasten this his 'majesty's resolution with all possible speed' And the said earl saith, That having received from his said late maj the resolution in point of religion, and a limited time according to his desire, he was so precise and punctual therein, that although the making or breaking of the Marriage depended upon it, he would not give one month's longer respite, for the procuring the dispensation, until he had first acquainted his said late maj therewith, and received his directions under his own hand, as will appear by his said majesty's letters of the 25th Oct 1623, as followeth —"Right trusty and right beloved cousin and councellor, we greet you heartily well Whereas by your last letters written to our secretary, dated 20th Sept. you are desirous to have our pleasure signified unto you under our own hand, whether we will be contented or not to have a month's longer time for the coming of the dispensation from Rome, than we have already limited unto you, in case they shall there conclude all things else to our contentment, with a resolution to send the Infanta hither next spring; we do hereby declare unto you, that in such case you shall not break with them for a month's longer delay, we also wish you not to trouble yourself with the rash censure of other men, in case your business should not succeed, resting in that full assurance of our justice and wisdom, that we will never judge it good and faithful servant by the effect of things so contingent and variable, and with this assurance we bid you heartily farewell"— And he further said, That when he had received the Articles of Religion, and that a settled time was appointed for the coming of the dispensation and a conclusion of the Match, although he would bind himself to nothing without his maj's approbation, yet, for that no time might be lost, he agreed to the propositions, de bene esse, sent by Mr. Porter on the 10th Dec. 1622; to the end the Articles might be sent immediately to Rome without losing so much time as to hear first from England, and humbly moved, that in case his maj should disprove of the said Articles, he would send his approbation directly to Rome, for the gaining of time, which his maj. [illegible] and that time he wrote unto his late maj and his now maj. [illegible] 'This 'is the present state of the business as it now stands 'with us, your maj approves of what is done, I 'expect your speedy and short conclusion; 'for my part I think it much to allow of these ar'ticles. I have done the utmost of my endea'vours, and shall humbly persuade your maj. 'not to lose a day longer in the Treaty; so 'much it imports your maj and your king'doms that the prince were bestowed.'—And to the prince, in letters of the like date, in this sort 'I presume now to write unto his maj. 'that which I think my duty to say likewise unto 'your highness: That in case you should not 'approve of what is now come to my hand, 'you permit not a day more to be had in this 'Treaty; for it is of so great consequence that 'your highness were bestowed, that it importeth 'him as much that you were speedily, as 'well wived, as crowned. But I hope that his maj. 'and your highness, will in such sort approve 'of this last agreement as you will speedily 'have the long Treaty to a happy conclusion. 'I am out of hope of bringing things to any better terms, and therefore I deal clearly with your highness and do it only most humbly persuade, I say, on my knees, beg it of you, that 'you rather resolve to conclude this Match as 'you now are, or speedily to break it off, and be'stow yourself elsewhere; for no less than the 'happiness of your kingdoms, and the security 'of the king your father and yourself, depend 'upon it'—All which things being considered, the earl most humbly submitteth himself to the judgment of this most [illegible] and [illegible] court, whether these delays, with several accidents have brought forth in the business can be attributed to his fault or [illegible], on the one side, he hopeth it will evidently appear unto your lordships, That he ever moved his maj and the prince to admit of no delays, but rather to think of some other course; and, on the other side it will appear by all his dispatches, that

he proceed things with the ministers of Spain to as speedy a conclusion, as the utmost terms of fair negotiation and good manners would bear. And whereas it is pretended that the Spaniards should take occasion, by entertaining the said Treaties, to abuse his late majesty, (which he knew certainly was not the intention of those ministers to do,) and got from the Spanish still more assurances, by oaths, words, and writings, which could be expected from Christians, to deal truly and faithfully, without adding or diminishing, represented unto his said majesty and his said ministers in those times, was pleased to concern upon those assurances, that they dealt really with him and them, and that he was confident they is, then priest, and the rest of Bethlem, were pleased to treat as much as the late king's maj. at their first coming into Spain, and that all which the said lord had written touching that employment, was true, and could be made good by D'Olivares and the rest of Gondomar to the said prince and duke, at the time that at Madrid, and he hopeth that, when his royal majesty's person shall come to be well informed, that he could in no sort be charged with negligency, as in this point falsely."

"III. To the Third Article he said and affirmed, that he did not treat with the king of Spain, nor with any of his ministers, upon the matter of the Palatinate, nor did the king of Spain ever propound to him any such proposition, as is set down in the said Article, or any thing like unto it; and therefore he referred himself to his said majesty's own letters, as well as to the said Article, as in the said Article is mentioned, how much interest he had in the said Article. But as to the time that he was employed in Spain, and the instructions he received from his said majesty, and the negotiations he had with the king of Spain and his ministers, and the progress he made therein, by endeavouring to dissolve the said knot of intricate consultations and counsels, and to make a way for the opening, and planting of better and more sincere intelligence between the two crowns, according to the true intention and mind of his majesty, as in the said Article is mentioned, he referred himself to his said majesty's own letters, and to the instructions and directions which he received from his said majesty, for the carrying on of the said treaty, and to the relations which he made to his said majesty, touching the same, and to the letters which he wrote to his said majesty, and to the answers which he received from his said majesty, touching the same; and he doubted not, but that his said majesty's own letters, and the instructions which he received from his said majesty, would clearly manifest, that he had carried himself in the said employment, and in the said treaty, with all fidelity and sincerity, and with all the advantage for his said majesty's service, that the nature of the business would bear; and that he had not, in any thing, failed of his duty, or of the trust reposed in him by his said majesty, in the said employment, or in the said treaty

saith;—That he did not any thing contrary to his duty and allegiance, or contrary to the faith and trust of an ambassador, as by the Article is alledged, but did endeavour the service and honour of his late maj. and no corrupt or sinister ends of his own, or his own advancement, as by the Article is alledged. And as for the conference which is pretended he should hold concerning the Treaty, that being told there was little probability that the said treaties would or could have good success, and that he should acknowledge as much, and yet say that he cared not what the success thereof would be, but that he would take care to have his instructions perfect, and to pursue them punctually; and would make his fortune thereby, or words to that effect, he doth not remember to have held any such discourse, though it is true, that the time hath been, many years since, when he thought the Match very unlikely to be effected, in regard of the unequal Answers which were given in prince Henry's time, and the unlikelihood of accommodating the differences of religion and faith. Further, as to the reviving of the said Match for his maj. that now is, that in the first he wished and advised a Protestant Match; but, in the duty of a servant understanding that both their majesties really desired the Match with Spain, he did seriously and faithfully intend the service and honour of their majesties, and effectually endeavoured to procure their ends, and it is very likely he might say he would get his instructions perfect, and to pursue them punctually, as he conceiveth was lawful and fit for him to do; but for the latter part of this conference, that he should say he would make a fortune by it, or any words to that effect, he was in the year 1623, and ever since, of that rank and quality, both in regard of his employment, fortunes, and his master's favour, that he assureth himself he did not, and dare answer so far for his own discretion, that it was impossible for him to hold so mean and unworthy a discourse."

"V. To the fifth Article the said earl saith;—That he did not intend or resolve, that if the Marriage in the former Articles mentioned should have been effected, that thereby the Romish religion or the professors thereof should be advanced; or the true religion and the professors thereof discouraged or discountenanced, as by the said Article is alledged; nor did he, to any such end or purpose or otherwise, at any time, counsel or persuade the late king's maj. to set at liberty the Jesuits and priests of the Romish religion; or to grant or allow unto the Papists and professors of the Romish religion a free toleration or silencing of the laws made and standing in force against them, as in the said Article is also alledged, but contrarily, upon all occasions, to the utmost of his power, did labour to prevent all the inconveniences in point of religion, that might come by matching with any princess of a differing religion; as well appeareth by a Paper of his own opinion, That his maj. should marry with a lady of his own religion, as hereafter mentioned in his Answer to the 7th Article: and for further proof thereof he saith, that in the whole Treaty with Spain he ever stood stricter in point of religion than by his instructions he needed to have done, as will appear by the testimony of sir W. Aston, and his dispatches 12th Dec. 1622, and other dispatches, which he desireth may be read, and as for counselling or persuading to set at liberty Jesuits or priests, he utterly denieth to have done any such thing, as before he hath answered, although it be true that the embassage of Spain being far different from employments in other places, where there is a body of the reformed religion, and where his maj. hath kindred and allies, whereby his maj.'s ministers may be informed of the necessary occurrents of state, without the help of a priest or Jesuit; but in Spain there being none but Romish-Catholics, nor any other manner of correspondency or intelligence but by them, the ambassadors must make use of all sorts of people, especially of Jesuits and priests, and to that purpose ambassadors thither have always a particular warrant under the king's hand, to treat and make use of priests, Jesuits, and all other sorts of men, unless it be such as be proclaimed rebels; and divers times the ministers employed in Spain, to gratify some whom they there employed for the king's service, as he believeth, at their particular suit, moved his maj. to extend grace and favour to some particular friend or kinsman of theirs, being a Roman-Catholic and imprisoned in England; and this he remembereth to have happened to others, but doth not remember to have written himself to his late maj. in that kind: and, as concerning his advice and counsel to set at liberty Jesuits and priests, the granting to the Papists a toleration, or a silencing of the laws against them, he saith, That his late maj. was engaged by the Treaty of Madrid in 1617, in divers matters concerning religion, as likewise by promises to the conde de Gondomar, and his letters to the king of Spain, of the 17th April, 1620, wherein he is pleased to promise some particulars in favour of Roman-Catholics, as by the said letter will appear. And, notwithstanding the said earl had sufficient warrant, under the king's own hand, to assure the king of Spain, that whatsoever was agreed in the said Articles, or in the said letter, his maj. would sincerely perform; yet the said earl was so cautious in that point, that when, for the conclusion of the Match, the other articles of religion being all agreed, it was pressed by the Spanish ministers, that a clause, it convenient, might be inserted, with protestation, that the form and way thereof should be wholly left to his maj.'s wisdom and clemency; and that his maj.'s Roman Catholic subjects should acknowledge this grace only to come from the king's mercy and goodness; yet the said earl would not condescend or assent thereunto, but only de bene esse, as by his letters to Mr Sec. Calvert, bearing date 8th Oct. 1622, will appear; thereby to give his maj. time to take it into consideration, before he would engage or

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in this point.—And the said earl saith,

putting the person of the heir apparent of the

posed to have dealt falsely, and so were to be

trusted, therefore the person of the prince

made the pretended ground and occasion of

the journey, it was rather the assurances of

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being all alone in a withdrawing room in

the said earl's house, the said earl kneeled unto him and told him, That he had a business to impart unto him which highly imported his maj to know, so he might be sure his boldness therein might be pardoned, which his majesty graciously promised; and thereupon the said earl told his majesty, That the general opinion in the court was, that his majesty's coming thither was with intention to be a Roman Catholic, and there to declare it, and confesseth that, at the same time, in regard of those things which he had heard, he humbly besought his maj to deal freely with him, as with a servant of whose fidelity he might be confident, or words to that effect. but he was so far from persuading his maj to be a Roman Catholic, that, without expecting his majesty's Answer, he declared himself to be a Protestant, and so should always continue, yet, he said, he would serve his majesty, and labour to advance his and the king his father's affairs, with as much fidelity and honesty as any Catholic whatsoever and his majesty was pleased then to make unto the said earl a full and clear declaration of his religion, and of his constant resolution therein; and seemed to be much displeased that any should have so unworthy an opinion of him, as to think he would, for a wife, or any earthly respect whatsoever, so much as to waver in his religion whereupon the said earl besought his majesty to pardon his boldness, and then intreated him not to suffer his business to be overthrown, by permitting that conceit of his conversion any longer to remain in the Spaniards, nor to do any thing that might give them hope therein, alledging, that it was impossible the Marriage could be without a dispensation, and so long as the Spaniards, who were to procure this dispensation, should have the least hope of his conversion, they would rather cling the dispensation than listen it, for whilst they should have any hope at all of his conversion, they would never content themselves with the part to which they were tyed by the articles agreed upon with the said earl and sir W. Aston. At which time his maj. was pleased to approve of his opinion, and said, he would expect the dispensation, and did thereupon afterwards send Mr Andrews to Rome to hasten it. And the next day the said earl dealt very roundly with the said conde d'Olivares and Gondomar, telling them, It was a discourteous manner of proceeding, to press his maj beyond the conditions which had been formerly agreed upon in point of religion, and to make his condition the worse for the great obligation he had laid upon them, by putting himself into their hands wherein they took such offence, that they estranged themselves from him for a long time after. And that the said earl did thus proceed with the condes, and that this is not a new-framed Answer to satisfy the present objection, but that which really and indeed passed, will appear by his dispatches sent unto his late maj before his maj. that now is came out of Spain; and were first there shewed unto his maj. bearing date the 9th Sept. 1622; so that although it be true that the said earl did not dissuade his maj. (for there was no cause for it) yet without expecting his maj's Answer, he first made a true and clear profession of his own religion, and when his maj had declared unto him his zeal and constancy, he humbly besought him that the Spaniards might not, for any respect, be held longer in any hopes in that point — And because a point of religion is that which all men of honour and honesty should chiefly desire to clear, especially having unpurtunities of that nature laid upon them, as the said earl hath in the said Article, he humbly beseecheth your lordships that he may not seem to digress from the Charge, in rendering to your lordships satisfaction in that particular, not by the aforesaid verbal discourse only, (which he protesteth was with much zeal to religion, and fruitful care to the prince, in that kind, but by some written testimony of his former opinion; both to the March and Religion, when he was first employed into Spain for the treating of this Marriage in 1617: for his late maj having commanded him to give an Account thereof unto his maj that now is; he, at his departure towards Spain, presumed to give unto his maj his opinion in writing, signed with his own hand, to be kept as a testimony of his future actions, the copy whereof is this that followeth." [Here follows the said Opinion.]

"Besides which declaration of the said earl's opinion, he hath all his life, in all places, lived and avowed himself a Protestant, never having done the least act that was not suitable to the same profession, and that in all his foreign employments, for the space of fourteen years, of more than 500 persons of all qualities that have attended him, there was never any one perverted in his religion, save two Irish lieutenants, who in Ireland had been bred Papists and he humbly desireth the testimony of Dr. Mawe and Dr. Wrenn, and of Mr Sandford, one of the prebends of Canterbury, Mr Boswell, parson of St Lawrence in London, and Mr Frewen, Divinity-reader in Magdalen-College in Oxon, (all of whom were his maj's chaplains in Spain) as well for the frequent use of the sacrament, and constant profession and exercises of religion, and the testimony also of such catholics as are known to have been his ancient acquaintance and friends, and to examine them upon oath, whether either publickly or privately, in Spain or in England, they have known him in any kind to make shew, or so much as forbear upon all occasions avowedly to declare the religion that he professeth, and that the said Mr. Frewen and Mr Wake, his now chaplains, may be also examined, whether in extremity of several sicknesses, wherunto he hath of late years fallen, he hath not ever settled his conscience with them towards God, and made a confession of his faith, resolving as befitted a Protestant and a good Christian."

"VIII. To the Eighth Article the said earl saith —That he did not at any time, or in any place, endeavour to persuade the prince to

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the said earl doth, as he conceiveth, carry little strength to prove the charge of persuading of his maj. either in regard of truth, or indeed in regard of his own piety."

"IX. To the Ninth Article the said earl saith, That there was a discourse in Spain, of the way of accommodating the prince Palatine's affairs; which, he was informed, it was moved, That the king of Spain's eldest son with a daughter of the emperor, and his son to be bred in the emperor's court, would be the fairest way for pacifying those businesses, and

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Thirdly, he doth not re-

member what answer sir W. Aston made upon

that discourse which he then delivered, nor what replies the said earl made; but sure he is, that whatsoever the said earl said, or what answers or replies soever were made, as it was by way of discourse, and not otherwise, so it was according to that which he then truly conceived to be the best and easiest way to accommodate the business, and to be his majesty's pleasure, which the said sir W. Aston might be ignorant of, as he is confident he was; and not out of any disaffection to our religion, or any minister respect or regard to the house of Austria, as by the said Articles is intimated; for he did not conceive the breeding of the Palatine's son with the emperor, having a governor appointed by his late maj. and his father, and he and his domestics to have the free use of their own religion, to be a matter of impossibility, or of such dangerous consequence in point of religion, as to imply his conversion, as by the Articles is intimated, well knowing that, in the emperor's court, all princes there, though his prisoners, and others his counsellors and servants about his person, and of great command in his armies, being avowed protestants, have the free use of their religion; and it is not to be supposed that the son of the prince Palatine, grand-child to the king of Great Britain, should be watched, and no care taken to capitulate for the use of his religion, it being ever granted to the meanest princess that is bestowed; and his majesty's special care in this point is fully seen in the said letter."

"X. To the Tenth Article the said earl saith, That by comparing the above Article, of his too much forwardness, with the second, whereby he is charged with 'continuing the Treaties upon Generalities, without reducing them to certainties and direct conclusions,' your lordships will perceive how impossible it was for him to avoid exception but for direct Answer to the present Charge, he saith, That he did not presumptuously, nor to his yet knowledge, break his instructions, nor set any day at all for the desponsories, but was therein merely passive, in admitting the day nominated by the king of Spain, according to the capitulation long before made; nor did he presumptuously, wittingly, or willingly, disobey any commandment or direction of his late maj. or his maj that now is, then prince, which he could understand not to be countermanded, or, by precedent or future instructions, otherwise explained. And for the better manifestation of the truth of his proceedings in and concerning the same, he saith, That on the day of the departure of his majesty, then prince, from the Escurial in Spain, his highness delivered unto him, in the presence of the commissioners on both sides, the powers, with public declaration taken in writing by Sersea, secretary to the king of Spain, of the prince's pleasure, and how he, the said earl, should use them, viz. That he should deliver them unto the king of Spain, upon the coming of the dispensation cleared from Rome, according to that which had been agreed, which was to have been within ten days after the coming of the said dispensation. And he further saith, That it is true, that the prince afterwards, by his letters, sent by one Mr. Clark, commanded him, the said earl, not to deliver the said powers till he should have received security that the Infanta, after being betrothed, should not enter into any religious order, and that before he proceeded, he should send unto his maj. then prince, such security as should be offered, that he might judge whether it were sufficient or not, who upon the said earl, as became a faithful servant, presented unto his late maj. and to his maj. that now is, then prince, such assurances as were offered unto him for securing of that point, together with such reasons as, he conceived, were not to be denied to their considerations, which gave unto his late maj. and his maj. that now is, then prince, such satisfaction, as they were pleased to dispatch a post presently into him, absolutely declaring him of that commandment, as by their several letters, dated the 8th of Oct. 1623, will appear;—hereby the said earl was absolutely freed from that commandment: and being so freed therein, he then remained under the order which his maj. then prince, had left with him at his departure; viz. was to proceed according to the capitulations, and his highness's declaration when he delivered the said powers unto him, and so he intended to have done, till, by his highness's declaration, of the 13th Nov. 1623, he was directly commanded the contrary; which commandment he readily and punctually obeyed and for such his intention, till he was so countermanded, he conceived he had not only sufficient warrant, but had highly offended, if he had done otherwise: for, 1. For his proceeding to consummate the Match he had warrant and instruction under his late maj.'s hand. 2. It was the main scope of his ambassage. 3. He was enjoined to that by the king and prince's commission, under their great seals. 4. He had positive orders, under his late maj.'s hand, by letter since. 5. It was agreed, by capitulation, that it should be within 10 days after the coming of the dispensation. 6. His late maj. and his maj. that now is, then prince, signified unto him by their letters, at the same time when they discharged him of his commandment, touching the Infanta's entering into a religious order, that they intended to proceed in the Marriage, as by his maj.'s letter of the 8th Oct. 1623, will appear. 7. The powers were to that end left in his hand, and renewed again after his maj.'s return into England. 8. He had overthrown the Marriage without order: for although sir W. Aston and himself used all possible means for the gaining of time, and deferring of the desponsories, yet the king of Spain caused it formally to be protested, That in case the said earl should insist upon the deferring of the desponsories, he would hold himself freed from the Treaty by the said earl's infringing of the capitulation. And, in truth, although the king of Spain should have condescended to have prorogued the des-

[illegible] ...ment of the days of Christmas, [illegible] ...ther [illegible] ...d, [illegible] ...ime [illegible] ...ut, without a precise [illegible] ...such return or [illegible] ...be [illegible] ...ria[illegible] ...ld [illegible] ...Majesty [illegible] ...ed [illegible] ...with [illegible] ...ed [illegible] ...ed [illegible] ...ed

therein, in his defence, shall, in all things, tend to the honour and service of his most royal m[aj]. by reconciling the minds of divers [illegible] circumstance, and that in the behalf the p[ro]ceedings of divers particulars, which, by undue practices, have been either concealed from his m[ajes]ty or misrepresented unto him."

"How he has offended unto the high and honourable court such [illegible] he knoweth, shall, in your lordships wisdom and justice, plainly appear to him at this capital crime, [illegible] all appear that, out of [illegible] and fervency of zeal to [illegible] service, and reverence to the law, which he [illegible] he was well [illegible] by reason of his [illegible] [illegible] [illegible]

ration of that university, to signify that dislike; and to require them to send some of their body instructed and authorized to inform and give account to this house, of the manner of their proceeding in the said election.—Rushworth acquaints us, "That great interest was made by the court to carry this point, and that several letters were pretended to be sent, by the king himself, in order to discourage all opposers. But, notwithstanding that the heads of houses and the doctors were almost unanimously in the duke's interest, yet a strong party was formed against him, amongst the juniors, and, at the election, he carried it by only 9 voices, the numbers being, for the duke 108, and 105 for the earl of Berkshire; besides that two of the duke's were void by statute, as being given to the vice-chancellor by compromise, to dispose of as he should think fit."—The disgust of the commons against the university was, that they should pretend to chuse a man, who then stood impeached by them, for several high crimes and misdemeanors. Accordingly, the opinion of the committee for writing a letter to Cambridge, &c was readily complied with, and ordered to be done, by the whole house. But, June the 6th, when the letter was read by Mr. Pym and approved on, the chancellor of the exchequer, sir Rd Weston, told the house, "That the king, being acquainted with their intention, had commanded him to signify his pleasure to them, that they forbear to send the letter." The further consideration of this message was deferred to the next day. And, June 7th, the house, in a grand committee, agreed upon the following Answer to it.

"That they do acknowledge they were about to write to the University, because that the very election itself, whereby the University is commanded to the government of one that is charged, and publicly complained of by the commons in parliament, whereof the elector are a part, is, in itself, a very great grievance, and prejudicial in example; whereof they have reason to be the more sensible, because they are informed, that in the manner of the election there were many passages likewise done in contempt of the house: and do humbly beseech his maj. to believe, that neither in this, nor any other thing, this house did or shall intend to enlarge their own power and jurisdiction, to the diminution of his maj's right or prerogative."

Whereunto his maj. replied by the said sir Rd. Weston.—"That the University of Cambridge and all corporations derive their right and privilege from him, and that he hath reason to esteem the Universities above any other; and is resolved to defend them against all which either wilfully, or by chance, shall go about to infringe their liberties. Concerning the election itself, his maj. is far from conceiving it a grievance, for he never heard that crimes objected, were to be taken as proved, or that a man should lose his fame or good opinion to the world, upon an accusation only. But whereas you say in the manner of carriage of the election, there were many passages done in it to the contempt of the house: it may be well pleased that you enquire and punish the offenders, if there be any that have misbehaved themselves in that respect. But for the election itself or the admitting it, his maj. doth avow his first Message."—It is probable, that the house was to some measure satisfied by the king's Reply, or seemed to be so far as it was referred to a further consideration from time to time, till we hear no more of it.

The D. of Buck's Speech upon presenting his Answer to the Commons, Impeachment. June 8. The duke of Buckingham gave in his Answer to the house of lords concerning the Articles of his Impeachment, p. 106. But before he delivered it, he made the following speech.

"My Lords, In a cause of this nature considered by itself, I have a fair beginning, as it is a debt due to your lordships for this noble favour in leaving it to my choice, whether I would answer to every particular in the aggravation, or not. I may without lessening any obligation, say, the favour is of greater extent than at first may be imagined, for what is my cause now may be yours or your posterities hereafter. I have in a manner tied myself only to my Charge, hoping, as I live, your lordships satisfaction in that, the aggravations will fall of themselves. I could not well have followed the aggravations, being composed of words which, I hope, my actions have not deserved, and I am sure my ears have not been acquainted with, without some distraction of spirit: yet I have left nothing of that unanswered that is material. I have used as much speed as came to my Answer as conveniently I could, without prejudice to my cause, having already had my reputation too long upon the stage, and had your lordships called for it sooner I had been as ready as now I am desirous to return your lordships as little as may be, with the expectation in my particular, from weightier business. I was also grieved at my business should be the cause of the loss of this year for great accepts, as the hindrance of those resolutions that would have contributed to the public good, and secured our honest intents to us, my king, I am sure, is desirous, and no less than his subjects. When I look upon the Charge in general, as the commons did, without stretching into the integrity of my own heart and actions, which are yet all upon record in this House, I cannot so much at their proceedings, the particulars of the charge stand against me unanswered, but, had they taken the means to have been better informed of the particulars, or had given me access to them to inform them. I assure myself they would not have let slips with this Charge. I confess there hath been that consideration in the house of commons on me, by my public attendance, that I cannot but acknowledge with thankfulness, and if the actions of some members of that house do not make them conclude me of a worse

bation and encouragement. And the
neth, that he obtained these places
sundry unreasonable ambition, or
profit or advantage as is objected
and his lordship behaved himself
the contrary is particularly
touching the manner of his obtaining the places
of the Admiralty, and the Wardenship of the
Cinque-Ports, wherein his lordship
refused.—And for the
That it may be said, that his lordship
office of attendance upon the king
whereby he received some profit; yet but as
he was necessitated to render him
unto the king, and that place, the
commodity, and that place, the
considerable value, as
be many times desired for the Number of
Men, he saith, That if the com
sufficiently, he hopeth
he received and retain that
which the king's royal hand of his mere
motion conferred upon him. And it is not
without precedent, but in ancient and
modern times, that subjects have
and received offices of command and
charge, and yet have not, nor could by
reason thereof, or that
they were granted to them, or that
they were executed, then, when
by sea or land, with
great adventure and hazard of his
person, and with singular commendation and
reputation to himself, he did
the charge committed unto him.

That the said Earl, in the beginning of
the Parliament, was so far from
the power of the Crown, as
he was the first that
the Parliament, and
the Commons House, that
the Lords House, that
the Lords House, that
the Lords

c[illegible] and [illegible] must be [illegible] the [illegible] weighty h[illegible] [illegible] best advantage for his majesty's service, which commission was granted, [illegible] yet continueth; and when the admi[illegible] [illegible] [illegible] don and [illegible] [illegible], by their advice and industry, he hath thus husbanded the king's money, and furthered the service, that where [illegible] [illegible] [illegible] was [illegible] very much lessened, and their [illegible] neglected, the charge was reduced to [illegible] per annum, and with this [illegible] the [illegible] navies [illegible] [illegible] built yearly, and [illegible] [illegible] there were no [illegible] built, the ordinary charge was reckoned [illegible] per an. And now he [illegible] navy is [illegible] [illegible] [illegible]

had had that place upon the same terms: when the said d. of Richmond was dead, he directed the d. of Buckingham to confer upon that place, and, for the reasons mentioned, to put both these offices together, and to give the same consideration to the said lord, which the d. of Richmond should have given, and his late maj. said he would repay the money. And how far this act doth, in acquiring this office, accompanied with these circumstances, may be within the danger of the law, the king being privy to all the passages of it, and encouraging and directing the humbly submitteth to your judgment, and he humbly leaves it to your lordships' judgments, in what third way an attempt to put to the crown by age or infirmity disabled to perform his service, can, in an honourable course, relinquish his place, for it the king himself gave the reward it must be said it is a reward to the crown, if the succeeding officer give the recompence, it may thus be objected to be within the danger of the law: and howsoever it be, yet he hopeth it shall not be held in him a crime, when he undertook it were honest and honourable, and for the furtherance of the king's service, neither is it without precedent, that in former times of great employment, both these offices were put into one hand by several grants."

"IV. To the Fourth Article, whereby the not Guarding of the Narrow Seas in these two last years by the duke, according to the trust and duty of an admiral, is laid to his charge, whereof the consequence, supposed to have been merely through his default, are, the ignominious infesting of the coasts with pirates and enemies, the endangering of the dominion of these seas, the extreme loss of the merchants, and the decay of the trade and strength of the kingdom: the duke maketh this Answer,—That he doubteth not but he shall make it appear to the good satisfaction of your lordships, that albeit there hath happened much loss to the king's subjects within the said time of two years, by pirates and enemies, yet this hath not happened by the neglect of the duke, or want of care and diligence in his place, for whereas in former times, the ordinary guard allowed for the narrow seas hath been but 4 ships, the duke hath since his entry into, and before, procured their number to be much increased, for, since June 1624, there hath never been fewer than 8 of the king's ships, and ordinarily 6 besides pinnaces, in which 8 ships and drumblers and others upon hire, by reason of the king's ships, besides merchant ships of great number, and pinnaces, and drumblers, and all these well furnished and manned, sufficiently instructed and authorized for the service. He saith, he hath from time to time upon all occasions, acquainted his majesty and the council board therewith, and craved their advice and used the assistance of the chief officers for the navy in this service, and for the Dunkirkers, who have of late infested the coasts more than in former years, he saith, There was that providence used for the repression of them, that his maj.'s ships and the Hollanders joining together, the port of Dunkirk was blocked up, and so should have continued, had not a sudden storm disrobed them; which, being the immediate hand of God, could not by any policy of man be prevented; at which time, they took the opportunity to rove abroad, but it hath been so far from endangering the dominion of the narrow seas thereby, as it is supposed, that his majesty's ships or men of war, were never yet mastered, nor encountered by them, nor will they endure the sight of any of our ships, and when the duke himself was in person in the Downs, ran into their harbours. But there is no certainty that, according to the fortune of wars, interchangeable losses will happen, yet, hitherto, notwithstanding their more than wonted insolency, the loss on the enemy's part hath been as much, if not more, than what hath happened to us, and that loss that hath fallen, hath chiefly come by these means, that the Dunkirkers ships being of late years exercised in continual hostility with the Hollanders, are built of a model as to bear sail as near upon the wind as they, either upon our coasts, and creep to the shore, and escape from the king's ships: but to prevent that inconvenience for the time to come, there is already ordered the building some ships, which shall be of the like model, light and quick of sail, to meet with the adverse party in their own way. And for the pirates of Sallee, and those parts, he saith, it is but very lately that they found the way unto our coasts, where, by surprize, they might easily do hurt, but there hath been that provision taken by his majesty without the care of the duke, both by force and treaty, to repress them for the time to come, as will give good satisfaction. All which he is assured will clearly appear upon proof."

"V. To the Fifth Article the duke maketh this Answer. That about Sept. last, this ship called the St. Peter, amongst divers others, was seized on as a lawful prize by his majesty's ship, and brought into Plymouth, as ships taken by the subjects of the king of Spain in the end of Oct. or beginning of Nov. they were all brought to the Tower of London, all of them were there unladen but the Peter, and the bulk of her goods was not stirred, because they were challenged by the subjects of the French king, and there did not then appear so much proof against her, and the goods of the rest as reasonable. About the middle of Nov. 4 actions were generally put in against them all in the Admiralty court, to justify the seizures, and all the pretendants were called in upon these proceedings, divers of the ships and goods were condemned, and the rest were held in a legal course, and all or most of them were in suspence till full proof made. The 9th of Dec. complaint was made on the behalf of some Frenchmen at the council-board, concerning this ship and others when the king by advice of his council and his maj. being present in person, did order, That the ship

20,000*l.* unjustly, and without right, from the East-India Company; the other, admitting the duke had a right as lord admiral, the compassing it by undue ways, and abusing the parliament, to work his private ends; the duke giveth this Answer, wherein a plain narration of the fact, he hopeth, will clear the matters objected: and in that he shall say flown no more, than will fully appear upon proof:—About the end of Michelmas term, 1623, the duke had information given him, by a principal member of their own company, that the company had made a great advantage to themselves in the seas of East India, and other parts of Asia and Africa, by rich prizes gotten there fore hir from the Portuguese, and others, and a large part thereof was due to his maj and to the duke as admiral, by the law; for which, neither of them had any satisfaction. Whereupon directions were given for a legal proceeding in the court of admiralty, and to proceed in such matters as should be held fitter by the advice of counsel. In the months of Dec and Jan. in that year, divers witnesse were examined in the admiralty, according to the ordinary course of that court, to instruct and furnish informative processes in this behalf. After the 10th of March, 1623, an action was commenced in the court, in the joint names of his maj and the admiral, grounded upon the former proceeding; this was prosecuted by the king's advocate, and the demand, at first, was 15,000*l.* The action being thus framed in both their names, by advice of counsel, because it was doubted in the judgment of the counsel, whether it did more properly belong to the one, or the other, or to both, and such form of entering that action being most usual in that court, on the 28th of April 1624, the judicial agreement and sentence passed thereupon in the admiralty court, wherein the company's consent, and their own offer, plainly appeareth; so that for the second part, of the right, it were very hard to conclude that the duke had no right, contrary to the company's own consent, and the sentence of the court, grounded on their agreement; unless it shall fully appear, that the company was by strong hand enforced thereto, and so the money extorted. Therefore to clear that scruple, that as the matter of the suit was just, or at least so probable as the company willingly desired it for their peace, so the manner was just and honourable; your lordships are humbly intreated to observe these few true circumstances the suit in the admiralty began divers months before the first mention of it in parliament; and some months before the beginning of it in that parliament, it was prosecuted in a legal course, and upon such grounds as will yet be maintained to be just. The composition made by the company, was not moved by the duke; but his late maj. on the behalf of himself, and of the duke, treated with divers members of the company about it, and the duke himself treated not at all with them. The company, without any compulsion at all, agreed to the composition; not that they were willing to give so much, if they might have escaped for nothing, but that they were willing to give so much, rather than to hazard the success of the suit: and upon this composition, so concluded by his maj. the company desired and obtained a pardon for all that was objected against them. The motion in parliament about the stay of the company's ships then ready prepared and furnished, was not out of any respect, to drive them the rather to the composition; but really out of an apprehension, that they might be eased of their strength for the defence of the realm at home, and, if so, the [illegible] must give way to the [illegible] upon the impulsion of those reports, and reasons given of them were sustained, nevertheless in all dewell [illegible] his late maj's directions; to [illegible] the better, whilst they might [illegible] this voyage, without prejudice to the public safety; and they were ready and when there was any communication propounded [illegible] ved, which was. That they should not fit and prepare other ships for the same service, whilst the new order with their privilege which they accordingly did. That the motion made in the Commons' house, was without the duke's knowledge or privity. That when there was a rumour that the duke had drawn on the composition by stating of the ships which were then gone, the duke was so much offended thereat, that he would have had the former composition to have broken off, and have proceeded in a legal course, and he sent to the company for that purpose, but the company gave him satisfaction, that they had raised no such rumour, nor would, nor could avow any such thing, and intreated him to rest satisfied with such publique satisfaction as they were ready to give. Thereafter this, their ships being gone, and being careful of their future security, they solicited the dispatch of the composition, consulted with counsel about the instruments which passed about it, and were at the charge thereof, until the money was paid long after the sentence, and the sentence given after the ships were gone; and no security given at all for the money, but the sentence; and when the money was paid to the duke, the whole sum but 2[illegible] thereof only was bestowed by the king, and employed by his own officers, for the service of the navy. If these things do, upon proof, appear to your lordships, as he is assured they will, he humbly submitteth it to your judgments, how farverbal aspersions and relations extrajudicial, shall move your judgments, when judicial acts, and those things which were acted and executed, prove the contrary."

"VII. To the Seventh Article, which is so mixed with actions of great princes as that he dareth not in his own private cause publish the particulars thereof, he cannot for the present make any particular an Answer to the same, until he shall do to the rest of his charge. But to this general Answer the truth whereof he humbly prayeth may suffice for your

it and enjoyed it, and no penny thereof came to the said duke, or to his use."

"XI. To the Eleventh Article the duke answereth; That it is true, that his late maj. out of his royal favour unto him, having honoured the duke himself with many titles and dignities of his bounty; and, as a greater argument of his princely grace, did also think fit to honour those, who were in equal degree of blood with him, and also to ennoble their mother, who was the stock that bare them. The title of countess of Bucks, bestowed upon his mother, was not without precedent; and she hath nothing from the crown but a title of honour, which dieth with her. The titles bestowed on the vise. Purbeck, the duke's elder brother, were conferred upon him, when he was a servant of the bed-chamber to his now maj. then prince by his highness's means. The earl of Anglesey was of his late majesty's bed-chamber, and the honours and lands conferred on him were done when the duke was in Spain. The earl of Denbigh hath the honours mentioned in the Charge, but he hath not a foot of land which came from the crown, or of the king's grant. But if it were true that the duke had procured honours for those who are so near and dear unto him, the law of nature, and the king's royal favour, he hopeth, will plead for his excuse, and he rather believeth he were worthy to be condemned in the opinion of all generous minds, if, being in such favour with his master he had minded only his own advancement, and had neglected those who were nearest unto him."

"XII. To the Twelfth Article his Answer is,—That he doth humbly, and with all thankfulness acknowledge the bountiful hand of his late maj. unto him; for which he oweth so much to the memory of that deceased king, his most excellent maj. that now is, and their posterity, that he shall willingly render back whatsoever he hath received, together with his life, to do them service. But for the immense sums and values which are suggested to have been given unto him, he saith, There are very great mistakings in the calculations, which are in the Schedule in this Article mentioned, unto which the duke will apply particular Answers in another Schedule, which shall express the truth of every particular, as near as he can collect the same, to which he referreth himself, whereby it shall appear, what a great disproportion there is between conjectures and certainties: and those gifts which he hath received, though he confesseth that they exceed his merit, yet they exceed not precedents of former times. But whatsoever it is he hath, or hath had, he utterly denieth that he obtained the same, or any part thereof, by undue extortion or practice, or did unduly obtain any release of any sums of money he received, but he having, at several times, and upon several occasions, disposed of divers sums of the money of his late maj. and of his now maj. that now is, by their private directions, he hath releases thereof for his discharge, which was [illegible] able and gracious in their majesties, who granted the same for their [illegible] and bounty, and, he hopeth, was not unfit for him to accept of, or, in future time, for [illegible] to be charged the with, when he could not be able to give so clear an account thereof, as he hopeth he shall now well be able to do."

"XIII. To the Thirteenth Article of the Charge, which hath set forth in such an expression of words, as his language an extraordinary guiltiness in the duke, who, by such intrinsic bonds of duty and thankfulness, was obliged to be tender of the life and health of his most dread and dear sovereign and master, he made this clear and true answer,—That he did neither apply nor procure the plaister or posset-drink, in the Charge turned to be a poison, unto his late maj. nor was present when the same was first taken or applied, but the truth is this; that his maj. being sick of an ague, took notice of the duke's recovery of an ague not long before, and asked him how he had recovered, and what he had did him most good? The duke gave him particular answer thereto, and that once, when was the earl of Warwick's physician, had ministered a plaister and posset-drink to him, and the chief thing that did him good was a vomit which he wished the king had taken in the beginning of his sickness. The king was very desirous to have that plaister and posset-drink sent for; but the duke delayed it: whereupon the king impatiently cried, Whether it was sent for or not? And finding by the duke's speeches he had not sent for it, his late maj. sent John Baker the duke's servant, and, with his own mouth, commanded him to go for it: whereupon the duke besought his maj. not to make use of it but by the advice of his own physicians, nor at all it should be tried by Jamie Palmer, of his bed-chamber, who was then sick of an ague, and upon two children in the town, which the king said he would do. In this resolution the duke left his maj. and went to London, and in the meantime, in his absence, the plaister and posset-drink was brought and applied by his late majesty's own command. At the duke's return his maj. was in take of the posset-drink, in the [illegible] moved the duke to give him, which he did in presence of some of the king's physicians, they then no ways seeming to dislike it, the same drink being first tasted by some of them, and others in the king's bed-chamber: and he think this was the second time the king took it. Afterwards, when the king grew somewhat worse than before, the duke heard a rumour as if his majesty had received hurt, and that the duke had ministered that posset-drink without advice. The duke acquainted the [illegible] herewith to whom the king, with much scorn, answered thus, 'They are worse than devils that say it.' So far from that truth as this was; which notwithstanding, as it cometh, is taken up again by some, and with much confidence affirmed. And here the duke humbly prayeth all your lordships, not only to

Printed image of [illegible] upon [illegible]

consider the truth of this Answer, but also to
communicate the sad thought which this Article
[illegible]

[illegible]

[illegible]

and 'traiterously' may be struck out of the Charge; and some such course taken, as to your lordships shall seem meet for the speedy prosecution and bringing of the cause to hearing. 2. That his own and Sir Walter Aston's dispatches might be brought into the court, (being his chief evidence) to be used for his defence. 3. That if Mr Attorney, by his reply, shall move the earl occasion to declare, for his justification, such matters of secrecy and mysteries of state as are not proper to be divulged, your lordships will then be pleased to move his majesty to signify his pleasure, to whom and to what manner it shall be declared. 4. And that the earl may have leave to come with Mr Maxwell to the house, or wait upon the committees when he shall find it needful for the prosecution of his cause, attending your lordships leisure.

BRISTOL.

The Petition being read, the earl was withdrawn, and the house being put into a committee, it was read again in parts, and fully debated. The house being resumed, it was read again; and the 4 Answers were made unto the 4 several parts of the said Petition, and ordered as followeth, viz.—1. The house to sit to-morrow at 8, and such witnesses to be sworn as Mr. Attorney or the earl of Bristol shall procure; and then the committee to proceed to take the examinations; and the Answer to the rest of this part of the Petition to be deferred to further consideration, after a full examination taken by the committee, and report made to the house. 2. All such dispatches as Mr Attorney shall make use of against the earl, to be used by the said earl for his defence, and the house to be suitors to the king for any other dispatches, to be brought hither for the said earl's defence, as he shall particularly name. 3. When any such occasion shall be offered, the house will then consider what course to take herein. 4. This is to be granted.

These being thus agreed and ordered by the house, and their lordships having also agreed to give the e. of Bristol a reason why the first part of his said Petition is not fully answered, the e. of Bristol was brought again before their lordships, and the lord keeper commanded the said orders unto him: and, having read the first, told him, That the house had not fully granted the first part of this Petition, for two reasons, both in favour to his help. The 1st that they are loth to proceed to declare their opinions or judgments upon the bare charge of Mr. Attorney, before the truth of the case appears upon the proofs. The 2nd for that they should declare his cause to be treason, then his testimony against the d. of Buckingham would be weakened, and the lord keeper having read the 2nd 3rd and 4th orders also, the e. of Bristol gave their lordships humble thanks, and so was withdrawn.

The Lord Conway's answer to the Earl of Bristol's Charge against him. June 13. The lord Conway put their lordships in mind of several Articles delivered to them by the earl of Bristol against himself, the 1st of May last; and besought the lords that he might then give in his Answer to the same; which being granted, it was read in haec verba:

" The ANSWER of the Lord CONWAY to the ELEVEN ARTICLES, delivered against him into the Upper House of Parliament by the Earl of BRISTOL, the 1st day of May. (See p. 88.)"

"1. To the First Article he saith:—He doth acknowledge to owe a great deal of respect, love, and service to the d. of Buckingham, and doth well remember that a worthy gentleman did invite him to endeavour the reconciliation of the e. of Bristol with the duke; to which also he made answer, That he did both entertain and embrace all the real means in his power, and that for the general duty which every man oweth to the works of reconciliation, and for other special motives, as being then in orders and the same course of living as now he is, he hoped he should be trusted between the parties of the e. of Bristol and the lord C. but demonstrations of goodwill, and no matter of blood being between the lord C. his children and the earl, it might be acknowledging withal many lovely parts and powers in him, and it is not unlikely but the lord C. might say, (according to the ingenuous freedom which he useth and cherisheth in himself) that things should not be reconciled but break out into open union between the duke and the earl, he must then declare his greater love to be to the duke than to him. But this the lord C. limited to their particular persons, and hopes it cannot, in any justice, be interpreted to stain him as he is a public minister, a magistrate or a peer of the realm. All offices and obligations, in those respects, he owes to God and the king, but to no subject, and doth protest and is confident he hath paid them all; and hopes in God to continue so with conscience and truth."

"2. To the second Article he saith,—That he did use the e. of Bristol with, in mingling with such untruth, makes it hard to clear it without much publishing which the lord C. thinks his Article not worthy of, comparing it with the honour and reverence he owes to this great and noble council, yet, by your lordships favour, he gives this Answer, That he never believed himself entertained in those terms of being a secretary by the duke's creation; although he never was, nor is, loth to acknowledge many obligations to the duke, for his favours freely conferred upon him, who he has ever found he is apt, ready to testify by all due attributes of love and respect; but for the lord C. to have acknowledged this in those terms, had been to have thereby wrought his own ruin and disgrace with his master, of glorious memory, who when he gave him these seals, in the presence of divers lords of the council the duke being also present, told him and took the duke to witness, that it was his own proper choice to make the lord C. secretary, receiving it from [illegible] was [illegible] and

write unto him: the king never gave the lord C[illegible] was [illegible] any thing, but [illegible] his [illegible] upon [illegible] Bristol, [illegible] that the earl was upon [illegible] and solicitations; by which the lord C[illegible] made himself to be [illegible] charged of that business, said, perhaps, [illegible] swerved the earl: Bristol.

"IX. To the Ninth Article he said: He knows not what passed from the earl of Bristol to his majesty or from his majesty to him, by the duke's hand, but only his majesty's letter, which the lord C[illegible] commanded to be read in his hands, there was nothing imparted but by the king's directions, and the letter read, approved, and signed by his maj. for the latter part of this Article, the lord C[illegible] refers himself to his Answer to the 8th Article, where the same charge is laid upon him."

"X. To the Tenth Article he saith, That the Treaty for marrying the king of Bohemia's eldest son with the emperor's daughter, and bringing him up in that court, was published by the lord Baltimore, and the lord C[illegible] knew not that his maj. gave consent to it, or advised it, but, on the contrary, he ever understood that his maj. was against the breeding of the young prince [illegible] emperor's [illegible] That he would take upon him the care of his breeding, but the lord Baltimore going in account of that treaty, by his order to [illegible] then at Naples, and there [illegible] dispatching for Spain, his majesty commanded the lord C[illegible] to send him dispatch from the lord Baltimore, in true pursuit of the earl of Bristol, which all the lords [illegible] the lord Baltimore [illegible] and it could not be [illegible] against the earl of Bristol, the earl [illegible] would take exceptions against him and [illegible] the commissioners, against the [illegible] that part [illegible] Bristol is not [illegible] his majesty in his proceedings [illegible] this point; he further [illegible] it, and carrying it in such a [illegible] Which told him, 'He [illegible] head' for the [illegible] C. answereth, That he did [illegible] thereof by direction from his majesty and by his majesty's own words unto him."

"XI. To the Eleventh Article [illegible] — That he never set any [illegible] earl of Bristol into Spain, with such [illegible] directions, and first shewing them unto his majesty, receiving his approbation [illegible] them, whose judgment could not [illegible] entrapping the [illegible] pass him [illegible] reputation, and if the earl be charged with anything more than the direction [illegible] patches will [illegible] that the [illegible] concerning the [illegible] Bristol's trouble proceeds, truly, from his own large promises on the behalf of Spain and the emperor, and the little grounds the other shew he had for drawing of his maj. into so deep and disadvantageous engagements"—The lord C. [illegible] [illegible] [illegible]

be [illegible] deal. And ther[illegible] e will and re[illegible] to w[illegible]unt [illegible]em, that we do expect that they forthwith bring in their bill of Subs[illegible], to be passed without delay or condi[illegible]

[illegible]

[illegible] it

[illegible] to not, [illegible]s to take other rest[illegible] lut[illegible] But let them know, that this [illegible] t is [illegible] to [illegible] other an[illegible] [illegible] season [illegible] and, [illegible] to bring them [illegible] [illegible] [illegible] sha[illegible] God and man to [illegible] that we [illegible] [illegible] [illegible] we [illegible] quiring their timely help and [illegible] acts [illegible] [illegible] [illegible]

of grace to a servant. To be a master of a servant, is communicable to many of so much to be king of a people, and incommunicable to subject. Your majesty is exalted by that name, which the greatest monarchs, though they have received names and titles in those countries which they gained by conquest, have delighted in, and admire. And the desires of children are preferred before those of servants; for the servant cannot put in the house for ever, but the son abideth ever. The government of a king was truly termed by your royal father, A politic marriage between him and his people; and I may safely say, There was never a better union between a married pair, than is between your majesty and your people."

The Lords Petition to the King against dissolving the Parliament.] When the lords had notice of the commission for dissolving this parliament, the house seemed to be much concerned at it, and, immediately, joined in an humble Remonstrance to the king to prevent it. The tenor whereof follows:

"May it please your excellent majesty:—We your faithful and loyal subjects, the peers of this kingdom, having received this morning a Message from your royal mouth, intimating an intention to dissolve this parliament, remembering that we are your majesty's hereditary great council of the kingdom, do conceive, that we cannot deserve your majesty's gracious opinion expressed in this Message unto us, nor discharge our duty to God, your majesty and our country, if, after expression of our great and universal sorrow, we did not humbly offer our loyal and faithful advice to continue this parliament, by which those great and apparent dangers at home and abroad, signified unto us by your majesty's command, may be prevented, and your majesty made happy in the duty and love of your people, which we hold the greatest safety and treasury of a king, for the effecting whereof, our humble and faithful endeavours shall never be wanting."

The King dissolves the Parliament.] This Petition was presented to the king by the earl of Manchester, lord president of the council, with the earls of Pembroke, Carlisle, and Holland; who besought his majesty to give audience to the 'Whole House of Peers' on this account. But the king answered, 'That his resolution was to hear no motion for that purpose; but that he would dissolve the parliament.' Accordingly a commission, in the usual form, under the great seal, was sent to the house of lords, whereby an end was put to this parliament. Saunderson, in his life of Charles I. says, that the king's words to the lords, who came to intercede for a longer sitting, were, 'No, not a Minute.' And that on the very day the parliament was dissolved, the earl of Arundel was confined to his house, and the earl of Bristol committed to the Tower by the king's order.

The King's Reasons for dissolving the Parliament.] Rushworth has left us a copy of a Remonstrance, which, he says, the commons intended to have presented to the [illegible] and a printed Declaration from [illegible] containing his Reasons for the Dissolution of [illegible] the foregoing parliament. They were as follows:

"THE KING'S DECLARATION.

"The kings of [illegible] happy access to the [illegible] reign, having, in his royal [illegible] and assembled two several [illegible] the last whereof was in [illegible] met held it Oxford, and there [illegible] the latter begun in [illegible] the 17th of the present [illegible] the unspeakable grief [illegible] bereft, of all his good and [illegible] parts, he lived a [illegible] although he [illegible] still, till the calling, adjourning [illegible] and dissolving of parliaments, [illegible] council of the kingdom, [illegible] solely unto himself, to an [illegible] solely united to his imperial crown, of which, as of his other royal actions, he is not bound to give account to any but to God and his, whose immediate lieutenant and steward he is in these realms and dominions, by the Divine Providence committed to his charge and government, yet lamentable as, by the [illegible] of the Almighty, [illegible] his purpose is so to order himself, and all his actions, especially in the great and public actions of state, concerning the rule of his kingdoms, as may justify himself, not only to his own conscience, and to his own people, but to the whole world, having had the best intention and endeavours, as the others understand in that behalf, at home and abroad, to make peace, plain, and clear Declaration of the causes which moved his majesty to assemble, and after enforced him to dissolve these parliaments, that so the malignity in the evil itself may be stripped, and the duties and hearts of his own good subjects at home, and of his friends and allies abroad, may be satisfied, and the deserved blame of those so unhappy accidents may light upon the authors thereof.—When his majesty, by the death of his dear and royal father of ever-blessed memory, first came to the crown, he found himself engaged in a war with a potent enemy, not undertaken rashly, or without just and honourable grounds, but entered for the necessary defence of himself and his dominions, for the support of his friends and allies, for the redeeming of the antient honour of this nation, for the recovering of the patrimony of his dear sister, her consort, and their children, injuriously and under colour of treaties and friendship, taken from them, and for the maintenance of the true religion, and invited thereunto, and encouraged therein, by the humble advice of both houses of parliament and by their large promises and protestations to his late majesty, to give him full and real assistance in those enterprizes, which were of so great importance to this realm, and to the general peace and safety of all his friends and allies. But when his majesty entered into a view of his

good satisfaction, not only to his own people, but to all the world, that they were no light or unadvisedly undertaken and pursued by it pleased God, who is the Lord of Hosts, and unto whose Providence and good pleasure it is meet to submit himself, and all his endeavours, not to give that success which was desired, and yet were those attempts not altogether fruitless as the entry of the year hath approached, the enemy received no small loss, nor our party no little reputation. And it would much tend to the [illegible] great affairs, and the peace of [illegible] which ought to be the true end of all [illegible] were these first beginnings, which here [illegible] subject to miscarry, well seconded and [illegible] sued, as his may intended, and as [illegible] ment of all men concerned in religion [illegible] nature, were fit not to have [illegible] These things being thus acted, and God in his infinite goodness, beyond expectation, [illegible] ing the rage of the pestilence, and, in a [illegible] of a sudden, restoring health and safety to [illegible] cities of London and Westminster, which [illegible] the fittest places for the resort of his [illegible] lords, and commons, to meet in parliament [illegible] in the depth of winter, no sooner deserted [illegible] probability of a safe assembling of his people [illegible] and in his princely wisdom and providence, [illegible] saw, that if the opportunity of seasons should [illegible] omitted, preparations, both defensive and [illegible] fensive could not be made, requisite as well [illegible] quisite for their common safety, but [illegible] and resolved of the summoning of this [illegible] where he might freely communicate the [illegible] ties of the state, and have the [illegible] them advice of the lords and commons in [illegible] them who were the representative body of [illegible] nues, whole kingdom, and that this great council [illegible] the realm, might proceed in those enterprises [illegible] and be enabled thereunto, which concerned [illegible] common good, safety, and honour both of [illegible] prince and people, and accordingly, the [illegible] of Feb. last a new parliament was [illegible] first meeting his majesty did forbear to propose [illegible] with any thing which might have the [illegible] appearance of his own interest. But [illegible] intended unto them the care of the [illegible] laws, which are the ordinary subject [illegible] parliament.—His majesty believing that [illegible] not have sufficient in my days, many [illegible] weeks, to have passed by, before the [illegible] tension and care of the civil state of the [illegible] kingdom, and the true religion [illegible] maintained therein, and the [illegible] allies who must prosper or suffer with [illegible] have led the way and made [illegible] of all the means which might [illegible] those ends; which the [illegible] by a committee of both [illegible] reasonably considered of, and [illegible] a conference concerning the [illegible] unto them the grievances [illegible] his majesty; which [illegible] them, his majesty did, first by message [illegible] by letters, put the complaints [illegible]

and [illegible] Re[illegible] [illegible] people [illegible] large domini-
whi[illegible] [illegible] [illegible] by land and
tu[illegible] [illegible] and prince-
[illegible] [illegible] [illegible] [

then taking into just consideration the great mischiefs which this kingdom variously hath suffered, and that chiefly by reason of the exorbitant power, and frequent misdoings of the said Duke, were entering into a parliamentary course of examination of those mischiefs, purposed, and made things, but no sooner was there any motion made of his name to this purpose, but that he, fearing lest his actions might so have been examined upon the view of your most excellent majesty and council, as, in the same year, through divers misreports made to your majesty and both houses of parliament, touching some misdemeanors of the said Duke, we were partially drawn into just question, and justly professed ourselves averse to his ends then, professed, as we cannot but conceive, the said members to be made sheriffs in several counties for the year that followed * to the end that they might have been precluded from being chosen members of the present parliament, and should again have there put in practice the like practice also, (as we are persuaded) he procured soon after the said dissolution, another † member of the said house, because he had justly professed himself against his ends to be sent as secretary of your majesty's last fleet, thereby indeed to punish him, by such devising him from his practice of the law, which was his profession, under colour of an honourable employment.—It pleased your majesty afterwards, in Feb last, to call this present parliament, wherein, though none of those, whom the said duke had procured to be made high sheriffs have sate as members, yet we (finding in ourselves the like affection, first, to the service of your majesty and next, to the good of the commonwealth) took into serious consideration several propositions; how, for the safety and happiness of your majesty's kingdoms and allies, we might enlarge your supports, and add to the military strength without charge to the poorer sort of your subjects, and give a larger Supply to your majesty for your instant and pressing occasions, than hath ever yet, but once, been given in parliament, whereupon, for the enabling of ourselves, and those whom we represent, we conceive it, first, necessary to search into the causes of those mischiefs, which this your kingdom suffereth, and divers of the Grievances that over-burden your subjects, without doing of which, we could neither be faithful to your majesty nor to the country that doth trust and employ us; as your royal father also, of blessed memory, admonished the house of commons in the 4th session of his first parl. In this consideration we found, that the most pressive and comprehensive mischief that we suffered, was fundamentally settled in the vast power and enormous actions of the said duke; being such, that by reason of his plurality of offices, all gotten by ambition, and some for money, expressly against the laws of your realm; his breach of trust in not guarding the seas; his high injustice in the admiralty, his extortion, his delivering over the ships of this kingdom into the hands of a foreign prince; his procuring the compulsory buying of honours for his own gain, his unexampled exhausting of the treasures and revenues of the kingdom; his transcendent presumption in that unhappy applying of physic to your royal father of blessed memory, a few days before his death, and some other his offences carefully and maturely examined by us we made a parliamentary Charge of the same matters and offences against him to the lords, then by your majesty assembled in parliament, there expecting some remedy by a speedy proceeding against him: but may it please your most excellent majesty, not only during the time of our examination of the matters and offences of the same Charge, we were divers ly interrupted and diverted by Messages procured, through misinformation, from your majesty, which, with most humble duty and reverence, we did ever receive, whence it first fell out, that so little only much time was spent amongst us, before the same Charge was perfected; but also, within two days next after the same Charge was transmitted by us to the lords, upon untrue and malicious misinformations, privately, and against the privilege of parliaments, given to your majesty of certain words supposed to have been spoken by sir D Diggs and sir John Elliot, knts two of the members of our house, to their great offence of the transmitting of the said Charge, both of them having been especially employed in the chairs of committees with us, about the examination of the said matters and offences) they were both, by your majesty's command, committed to close imprisonment in the Tower, of London, their lodgings presently searched, and their papers there found, presently taken away, by reason whereof, not only our known privileges of parliament were infringed, but we ourselves, that upon full hope of speedy course of justice against the said duke, were preparing with all dutiful affection to proceed to the dispatch of the Supply, and other services to your majesty, were wholly, as the course and privilege of parliament did us, diverted for divers days, to the taking into sole consideration some courses for the ratifying and preservation of the privileges so infringed: and we think it our duties, most rightly to inform hereby your most excellent majesty of the course held in the committment of the two members: for whereas, by your majesty's warrant to your messengers for the arresting them, you were pleased to command that they should repair to their lodgings, and there take them: your majesty's principal secretary, the lord Conway, gave the said messengers, as they

* Sir Edward Coke, and others. See p. 45.

† Mr. Glanville, one of the managers of the Charge against the duke.

[illegible] an express command, contrary to [illegible] remonstrate, [illegible] would not go to [illegible] lings, but to the use of [illegible], and there take them, and if they found them [illegible] they should [illegible] were one [illegible] the [illegible], and apply [illegible] their [illegible] ever else they [illegible] and them [illegible], besides that it is contrary to your maj[illegible] command, is an apparent testimony of some [illegible] [illegible] against [illegible] intended to your maj[illegible] all which, with the several particulars that precedent, and the [illegible] of the [illegible] we [illegible] procured to the duke, to his [illegible] for his advantage especially because the said interruptions last, [illegible] information [illegible] against him in agitation but [illegible] out of your [illegible] goodness and [illegible], but [illegible] [illegible] two members, [illegible] delivery of them out of the [illegible], for which we [illegible] And [illegible] of the [illegible] upon [illegible] against him [illegible] accidental [illegible] again [illegible] some new [illegible] the extent [illegible] for [illegible] with [illegible] his so great [illegible] cured to himself, by [illegible] and still [illegible] o'clock [illegible] were the said [illegible] burgesses of parliament, and, by the [illegible] burgesses, a few weeks [illegible] was his intention to [illegible] power to make them [illegible] what [illegible] also [illegible] endeavours, was we are in no doubt, that [illegible] party, who adhered [illegible] of religion, published [illegible] of one R. Montague, [illegible] thence, and hereunto [illegible] also been conceived, [illegible] and long hath been, an [illegible] The [illegible] hundred [illegible] reason both of the [illegible] necessarily accompanied [illegible] vation of our [illegible] had to [illegible] us; who have nothing else in [illegible] to our duty to God, but the [illegible] your maj. [illegible]

subsistence of ourselves and those whom we represent for the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] most excellent maj[illegible] to receive us in our humble and [illegible] [illegible], That [illegible] of hope [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] of the said duke, and the divers [illegible] false informations so given in your maj. [illegible] [illegible], and [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

wealth, strength, [illegible] on them such a large and cheerful dom, and the suppr[illegible]y of their loyalty, (as might be ac- abroad and we [illegible]e to himself and exemplary to his peo- blessing, as we [illegible]rom the city of London the king de- be the best-loved, [illegible] loan of 100,l. of which, all excep- ever sat on the [illegible] And, all the sea-port towns being kingdom."

A Proclamation for [illegible] 2001. Remonstrance.] So [illegible] a Proclamation, [illegible] Remonstrance, [illegible] sented to him "Wh[illegible] things contained [illegible] and his royal [illegible] whereby, through the [illegible] realm, they wound their sovereign [illegible] as also, the same members of the [illegible] affected to his service, to vent their [illegible] sions against that peer, and to pr[illegible] withdraw an ill opinion of him, [illegible] was heard in a judicial way, had, [illegible] scattered copies of that intended D[illegible] thereby to divert from their sovereign [illegible] fore his msy. for the suppressing [illegible] suitable words to himself, doth command, upon pain of his indignation and high displeasure, all persons of whatsoever quality, who have, or shall have hereafter, any copies or notes of the said Remonstrance, or shall come to the view thereof, forthwith to burn the same, that the memory thereof may be utterly abolished, and never give occasion to his msy. to renew the remembrance of that, which, out of his grace and goodness, he would gladly forget."

Projects for raising Money, by Loans, Benevolences, &c.] Deprived of his parliamentary Aids, through the late dissolution, the court fell upon such projects, as had been practised in like cases, for raising money without them By an order of council, it was declared, That all customs, duties and imposts on all goods and merchandizes exported and imported, which, for many ages had been continued, and esteemed a prime and necessary part of the revenue of the crown, should be levied and paid Nevertheless, it is intended to have this settled by parliament, as it had been, from time to time, for many royal successions; but the dissolution of the last prevented it, before the matters therein treated of could be brought to perfection Therefore, an instrument was to pass, under the great seal, to authorize these levies, until, as in former times, it might receive an absolute settlement by parliament. The forfeitures, also, arising to the crown by the execution of the laws against Jesuits, Priests, and Popish Recusants, were dedicated to the pressing necessities of the state. A proclamation was published, declaring the king's resolution to make his revenue certain; by granting his lands, as well copyhold as otherwise, to be holden in perpetuity. The king sent to the nobility to acquaint them, That according to the conditions of former times, upon pressing occasions, the crown had ever had recourse to [illegible] extraordinaries as the [illegible] of, and therefore he now

Persons committed to Prison for refusing the Loan.] This Loan however did by no means pass current through the kingdom, on the contrary it [illegible] great deal of disturbance and [illegible] more. Grievances to be complained of next parliament Several persons, and some of good rank and quality refused to subscribe to it; these in their several counties, were bound over, by recognizance, to make their appearance at the council-table; from whence, divers of them were committed to different prisons, not in their own, but in distant counties the names of many of these gentlemen are preserved in Rushworth, and are too remarkable to be slightly passed over, Sir Tho Wentworth, (afterward earl of Strafford,) and Geo Ratcliffe, esq (afterwards sir George) Yorkshire gentlemen, were sent for by messengers, and removed out of York into Kent Sir Walter Earl and sir John Strangeways Dorsetshire men, were confined in Bedfordshire Sir Tho Cornwallis, and others of Lincolnshire, in Dorsetshire Sir John Hotham, and others of Suffolk, into Somersetshire Sir Knightly, esq and others of Northamptonshire, into Southampton and Wiltshire Sir Nath Barnardiston, of Suffolk, and William Cotton, esq. of Cornwall, in Sussex. Sir Humphrey Grimstone of Essex, and sir Rob. Pym, were secured in Northamptonshire John Hampden, esq and others of Bucks, were secured in Hampshire and the like course was taken with the gentry of other counties, who refused the Loan. The council also ordered, that all those refractory persons before named who are appointed, by his msy's command to their several commitments, shall presently obey the order of the board sent with their messenger in that behalf, or be committed close prisoners; any pretence of inability, want of convenience, or other excuse whatsoever notwithstanding.

Sir John Elliot's Petition, from the Gatehouse, on his Imprisonment.] Many of those gentlemen were afterwards sent for by pursuivants, out of those counties where they had been confined by order of the council, and committed to several prisons, some to the Fleet, some to the Marshalsea and Gatehouse, and others remained in custody of the messengers: from these the case of sir John Elliot, who had rendered himself so remarkable, as a Manager against

the duke of Buckingham (see p [illegible] ut the following Petition to the king

" To the King's most Excellent Majest The Humble Petition of Sir [illegible] Knt Prisoner in th Gatehou [illegible] ing the Loan, Sheweth,

That your poor suppliant, affected [illegible] with unhappiness, through the [illegible] of your majesty's displeasure, wher [illegible] in neglect of duty and obedience to [illegible] may of the loyalty of his heart, than [illegible] he hath nothing more desired [illegible] and therein may not remain a jealousie [illegible] royal breast, that any stubbornness [illegible] hath been the motive of his forbearing [illegible] condescend to the said Loan low at your highness's foot, with a sad yet a faithful heart, for an apology to your clemency and grace, he now presumes to offer up the reasons that induced him; which he conceiveth necessity of his duty to religion, to justice, and to your maj. did inforce.—The rule of just reason takes to be the law; the impartial arbiter of government and obedience, the support and strength of majesty, the observer of that justice by which subjection is commanded this and religion, added to this power not to be resisted, find up the conscience in an obligation to that rule, which, without open prejudice and [illegible] lance of those duties, may not be impleaded. In this particular, therefore, of the Loan, I desirous to be satisfied how far the obligation might extend, and resolving where he was left master of his own, to become servant to your will he had recourse unto the laws, to be informed by them, which, in all humility I submitteth to your most sacred view in the collections following.— In the time of Edw I he findeth that the commons of that age were so tender of their liberties, as they feared even their own free acts and gifts might turn them to a bondage of their heirs. Wherefore it was desired and granted, " That for no business such manner of aids, taxes, nor prizes, should be taken, but by common assent of the realm, and for the common profit thereof." The like was in force by the same king, and by two other laws, again enacted " that no tallage or aid should be taken or levied, without the good-will and assent of the archbishop, bishops, earls, barons, knights, burgesses, and other freemen of the land.' And that prudent and magnanimous prince, Edw. 3, led by the same wisdom, having granted " that the greatest gift given in parliament, for the aid and speed of his matchless undertaking against France, should not be had in example, nor till the prejudice of the subject in time to come did likewise add, in confirmation of that right, that they should not from thenceforth be required to sustain any charge or aid, but by the common assent, and that in parliament. And more particularly upon this point, upon a Petition of the Commons afterwards in parliament, it was en-

[illegible] those by distra [illegible] some so stre [illegible] ination with re [illegible] me also under p [illegible] ch can to be de [illegible] ndure or break th [illegible] es. And these re [illegible] ing as the first motive [illegible] Then [illegible] es, [illegible] [illegible] which he taken [illegible] wisdom [illegible] [illegible] ons. Accompt [illegible] [illegible] of their real [illegible] [illegible] subjects [illegible] [illegible] commands, and [illegible] [illegible] and love which, in [illegible] [illegible] ded those [illegible] [illegible] the [illegible] [illegible] Nay, [illegible] [illegible] your [illegible] [illegible] [illegible] were [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] by [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

pressing, that it was in every man's mouth, 'A parliament must needs be summoned.' The nation had now provoked two potent neighbours kings to be their enemies, the coast and ports were unguarded, the able commander worn out, or not employed, and in marine affairs were every where in as bad condition as possible.

Sir R Cotton's Advice to the Council to [illegible] *a Parliament*] Under these unhappy circumstances, the king held a grand council at Whitehall, how to extricate himself and the nation out of such difficulties. To this council the famous historian and antiquary, sir Robert Cotton, was called, whose Advice to the lords there present, contains a succinct, though general history of these times, along with the best advice how to settle matters for the future, which we shall give in his own words; for, though not strictly parliamentary in itself, yet it induced the king and council to believe there was no other way, and obliged them to think of calling a parliament for the general good of the nation

"My lords; as soon as the house of Austria had incorporated itself into the house of Spain, and, by their new discoveries, gotten to themselves the wealth of the Indies, they began to affect, and have ever since pursued, a fifth monarchy. The emperor Charles would first have laid the foundation thereof in Italy, by surprizing Rome: but from this he was hindered by the force and respect of religion, Hen. 8 being made caput fœderis against him. He then attempted it in High-Germany, practising by faction and force, to reduce those petty states to his absolute power. To this Hen. 8. again prevented him, by tying the Lutheran princes under his confederacy and assistance. His son, Philip 2, pursued the same ambition in the Nether-Germany, by reduction whereof he intended to make his way further into the other. This the late queen of England interrupted, by siding with the afflicted people on the one part, and making herself head of the protestant league with the princes on the other side; drawing in, as a secret of state, the countenance of France, to give the more reputation and assistance to them, and security to herself. Spain seeing his hopes thus frustrated by these arms and sleights, began first to [illegible] the enmity of France and England: but finding the common danger to be [illegible] by, he raiseth up a party in that kingdom of his own, by the which the French [illegible] distressed, that, had not the English council and assistance relieved him, Spain had there found that next and greatest obstacle of his ambition.—His council now tells him, from these examples, that the way to his great work is impassable, so long as England lies a bar in his way, and adviseth him, that the removal of this obstacle be the first of his intents. This drew on those often secret practices

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* From his Posthumous Works, published [illegible] by James Howell, esq.

against the person of the late queen, and [illegible] open fury, in 1588, against the body of the state; for which she, following the advice of [illegible] council, would never after admit of peace, winning thereby the hearts of a loving people who ever found hands and money for all occasions at home, and by keeping sacredly her alliances abroad, secured her confederates, all [illegible] time, in freedom from fear of Spanish slavery; and ended her old and happy days in great glory. Spain then, by the wisdom and power of that great lady, despoiled so of his means to hurt, though not of his desire, makes up, with her peaceful successor of happy memory, the golden league; that, disarming us at home by opinion of security, and giving them power in our council by believing their friendship and pretended marriage) gave them way to cherish amongst us a party of their own, and bereft of power abroad, to lead in jealousy, and saw a division between us and our confederates; by which, we see, they have swallowed up the fortune of our master's brother, with the rest of the imperial states, distressed the king of Denmark by that quarrel, diverted Sweden's assistance by the wars with the Pole, and moving of him now with the offers of the Danish crown, and now, whether from that pilot, or our fatality, it hath cast such a bone between France and us, as hath gotten themselves, by our quarrel of religion, a fast confederate, and us a dangerous enemy so that now we are left no other assurance against their malice and ambition, but the Netherlands, where the eye of mutual safety is weakened by daily discontents bred and fed between us from some ill-affected to both our securities: so that, from the doubtfulness of friendship, as we now stand, we may rather expect, through our own home-set faction, if they grow too furious, they will sooner follow the example of Rome in her growing; (that held it equally safe, honourable, and more easy, dare regem, than subjugare proximum) considering the power they have in their hands, than give any friendly assistance to serve the present condition of our state. You may see therefore in what terms we stand abroad; and, I fear, at home, in no better. There must be, to withstand a foreign invasion, a proportion both of sea and land forces, for to give an enemy no easy passage, and a port to relieve him in, is no less than to hazard all at one stake. And it is to be considered, that no march by land can be of that speed to make head against the landing of an enemy, nor no such prevention as to be master of the sea. To this point of necessary defence there can be no less than 210,000*l.* For the land forces; if it were for an offensive war, the men of less livelihood were the best spared, and were used formerly to make such war, purgamento reipublicæ, if we made no further purchase by it: but, for safety of a commonwealth, the wisdom of all times did never entrust the public cause to any other than such as had a part on to the public adventure. And thus we saw in 1588, when the [illegible] of the

[illegible] I make [illegible] hat
[illegible] than [illegible]
[illegible]
[illegible]
[

regal [illegible] who may, with ease and safety, [illegible] to fit his desire, by a gracious [illegible] just petitions. If a parliament [illegible] speedy, assured, and [illegible] to receive what is the best way [illegible] ment.—First, [illegible] ties, reputed to be [illegible] [illegible] and the many [illegible] [illegible] [illegible]

wealth [illegible] not [illegible] course [illegible] inland [illegible] season, then former times [illegible] as that of 1588, pro- [illegible] and makes the [illegible] in their dis- [illegible] ully, it was raised wholly [illegible] more fortune [illegible] to the will of power, [illegible] than the law, and so make good some further breaches upon their liberties and freedoms [illegible] more, rather than defend us from any [illegible] and —How far such jealousies, if they [illegible] an unmistakable disorder of lawless soldiers, [illegible] upt distemper of the house and guilds [illegible] and easily turn them away, upon any [illegible] the state that they can [illegible] [illegible] [illegible]

citizens, and burgesses of the [illegible] nions;—If I had been delighted [illegible] ing, yet the example and c[illegible] his majesty had been mind[illegible] strain the superfluity [illegible] but there is yet more; for [illegible] excellent compacted speech [illegible] heard from [illegible] many [illegible] a time to [illegible] and commanding mastry [illegible] master the understanding [illegible] may expect nothing from me [illegible] have heard the matter alre[illegible] not, but with such rev[illegible] and authority of it requires [illegible] granted it in your minds and [illegible] known, long speech from me [illegible] thing to beat the air.—Yet [illegible] an part but by his [illegible] command, to consult [illegible] weighty and urgent business [illegible] Weighty it is, and great [illegible] safety, and protection of rel[illegible] try: and what can be more [illegible] it is little pleasure to tell it [illegible] and to tell it with circumstances, more [illegible] work. I will but touch the sum of it in [illegible] words.—The Pope and House of Austria have long affected, the one a spiritual, the other a temporal monarchy: and to effect their ends do join together to serve each other's turn. The house of Austria, besides the rich and vast territories of both the Indies and in Africa, are become masters of Spain and Italy, and the great country of Germany; and although France be not under their subjection, yet they have controuled all about, and in the resolutions of that kingdom swayed by the Popish faction, have gotten such a party and so much ease to the government; that, under pretence of aiding to restore the protestants and our religion, they have drawn that king to their adherence so far that, albeit upon his majesty's interposition by his ambassadors, and his engagement of his royal word for just performance the war between that king and his subjects of the [illegible] was quieted, and his majesty's interposition of the Treaty, was instituted and hoped to procure a good accomplishment of it yet against it, and the [illegible] between him and that king, the [illegible] hath been taken, and those of the religion [illegible] put to all extremity, and indeed [illegible] the mind without our present help. So is that king's forces diverted from assisting those common causes, but hath [illegible] engaged himself in [illegible] against our king and other princes, making way thereby for the house of Austria, to the ruin of his own and other kingdoms.—Other potentates, that in former times did balance and interrupt the growing greatness of the house of Austria, are now removed and diverted. The Turk hath made peace with the emperor, and turned him off to his own wars with Asia. The king of Sweden is embroiled in a war with Poland, which is maintained by Spanish practices, [illegible] Joseph drawing [illegible] succouring [illegible] the king of Denmark [illegible] raised [illegible] kingdom on this side the Sound, [illegible] of Austria is on the [illegible] the sea-coasts, from [illegible] and all the rivers [illegible] into the [illegible] great extent, so as, [illegible] his land, they begin to [illegible] seen, to the subversion of [illegible] Baltick-Sea, they are [illegible] all the ships they [illegible] this time [illegible] ambers, to draw into [illegible] Low Countries, whereby taking [illegible] the Eastland trade, [illegible] supplied they expect, [illegible] any [illegible] even, to make themselves [illegible] masters of that sea. In these western [illegible] by the Dunkirkers, and by the new [illegible] Spanish admirals, to the ruin of [illegible] of infinite consequence, both to us, [illegible] the Low Countries: they infest all our [illegible], so as we pass not safely from port to [illegible]. And that fleet which lately assisted the [illegible] in the Isle of Ilsee, is now preparing [illegible] St Andrews, with other ships built in the [illegible] at Biscay to re-enforce it, and it grows [illegible] making ready in Lisbon; whereby, besides [illegible] now they do serve themselves upon all [illegible] but his enemies, to that coast our [illegible] and those great preparations are, no doubt, to assault us in England or Ireland, as they shall find advantage, and a place at his own time.—Our friends at the Netherlands, besides the fear that justly troubles them, lest the whole force of the empire may fall down upon them, are distracted by their long voyages into the East, which hath carried both men and money into another world, and much weakened and almost divided them at home. Thus are we ready on all sides to be swallowed up; the emperor, France, and Spain, being in open war against us, Germany overrun, the king of Denmark distressed; the king of Sweden diverted, and the Low Countries disabled to give us assistance.—I speak not this to increase fears unworthy of English courage, but to press to provision worthy the wisdom of a parliament: and for that cause his majesty hath called you hither, that, by a timely provision against these great and imminent dangers, our side may be strengthened at home, our friends and allies encouraged abroad, and those great causes of our fear scattered and dispelled.—And I trust in all warlike preparations, these ours bears the name, and holds the semblance of the [illegible] and sinew; and, if a sinew be too short or too weak, if it be either shrunk or stunted, the part becomes unuseful; it is needful that there should be a good and timely supply of treasure: without which all counsels will prove fruitless. I might press many reasons to this end, but I will name but few. 1. For his majesty's sake, who requires it. Great is the duty which we owe him by the law of God, great by the [illegible] nature, and natural allegiance; great for his own merit, and the memory of [illegible] but point at

them [illegible] or thoughts [illegible]
recall [illegible]
may, when [illegible]
limentary [illegible]
used him [illegible]
trusted here [illegible]
we despise [illegible]
example the [illegible]
plate, his jewels [illegible]
the war: what the [illegible]
King, for his part [illegible]
2 For the cause [illegible]
him charity to [illegible]
friends abroad, it [illegible]
abandon them, who have [illegible]
this come not [illegible]
our interest to [illegible]
that the cause is [illegible]
religion be in peril [illegible]
ning and orthodox [illegible]
question, the stories [illegible]
ages will shew, that our [illegible]
as much as any nation [illegible]
be in danger, we [illegible]
All these at once [illegible]
our very safety and being. Lastly, in respect of the manner of his majesty's demand, which is in parliament, the way that hath ever [illegible] the subjects of England. And good cause for it: for Aids granted in parliament work good effects for the people, they be cheerfully accompanied with wholesome laws, gracious pardons, and the like. Besides, just and good kings, finding the love of their people, and the readiness of their Subjects ready to [illegible] bear the use of their prerogative, and moderate the rigour of the laws against their subjects. This way as his majesty hath found you, he hath deeper [illegible] of his both love, in the first, and assurance of your hearts most affected to the prince. [illegible] most grievous [illegible] and to the [illegible] would [illegible] [illegible] be deterred [illegible] any and the [illegible] of the [illegible] not [illegible] way [illegible] the [illegible] Romans [illegible] [illegible] him [illegible] [illegible] [illegible] add, [illegible] observe God's mercy [illegible] [illegible] and [illegible] [illegible] [illegible]

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A meditation worthy … will perhaps often … the other
we live neither enthr… just e could never … chan-
at the giddy multitude … r run clear; as … happy
walls of many mast… over hath.—I must … the other
of a king, the stay and … ects, the
one, as Homer saith well of kings,

Ποιμένι λαῶν ἄνακτι,

not to be laid in common balance with other men; for kings know no other tenure but God's service, and their value is only tried at his beam, whence the poets said, the parents of the first kings were coelum & terra; divine institution, and human approbation. Besides, that it is a sovereignty also hereditary, which makes the commonwealth the king' care, as that which is the king's own patrimony, and the inheritance of his children; when elective monarchies quickly run to ruin, and are commonly made poor by the enriching of several private families. On your right hand are the reverend, religious, and learned prelates, the lights of the church, not to be set in golden candlesticks, and not made contemptible by parity or poverty, lively idols of that blessing above all the rest, which, by God's great goodness, and your majesty's great piety, this realm enjoys, the liberty of the gospel, and the free profession of God's true religion. Your maj. passed the fiery trial in Spain, and gave us then assurance that your faith was built on that rock, against which the gates of Hell shall never prevail. Since your coming to the crown, by your royal edict, you have banished those incendiaries of Rome, the Priests and Jesuits, enemies to our church and state; so that now they are either gone, or lurk in corners, like the sons of darkness. You have given life to the law against Recusants; and, by your own pious example, have drawn more than you have compelled to come to church. Yet 'Cogc ingredi, ut impleatur domus mea,' was his command that made the great feast, and is the duty of magistrates. And certainly, dread sovereign, true religion will ever be a target to them that are

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… ipt or
… men, 'I kn… rse,
… will perhaps often … the other
… just e could never … chan-
… r run clear; as … happy
… over hath.—I must … the other
… ects, the
… representatives of the third estate which, although this more lower and at more distance from your royal person, yet, I am confident, will ever be found constant to the rules of true and loyalty—It is a gracious favour of your maj. and our former kings, which I have often thought on, that when both houses are humble suitors for any thing, they are never denied; le roy 'n veult' like king will advise of it is the greatest … And I assure myself your maj. will find all your subjects so full of duty to your crown, and of true and loyal affection to your royal person, that you shall never have cause to think your gracious favours ill bestowed on them. This union of hearts, sir, is a greatness beyond that of the kingdom to which you are heir.

'Et penitus toti divisos Orbe Britannos,' is a name of advantage to this island, if the division be not among ourselves; which the God of Unity, for his mercy's sake, forbid; and so knit our hearts in love one to another, and all of us in love and loyalty to your most excellent majesty, that this renowned island perish not by our dissensions, but may even flourish, and be like Jerusalem, the city of God, whose church is called 'for her honoured. Great and glorious have been the actions of your royal progenitors—yet greater remain for your majesty, and most of theirs attend you for their perfection and consummation.—The first Christian king of Europe, the first that abated the swelling pride of the Pope of Rome, by banishing his usurped power over God's true vice-gerent, the first that established the true religion now profest, were all kings of England; and the last a young one—(Queen Elizabeth, though a woman, yet shall hath cause to remember her), the protestants of France and

the L[illegible]ntries [illegible]get her
were from the Great [illegible]ve, be would
That [illegible]paid of the love this k[illegible]
shewn [illegible]r days, he hath [illegible]
[illegible] and comfort, [illegible]
[illegible]p[illegible]le [illegible]
and our posterity for ever. Your [illegible]
ever blessed and famous memory, [illegible]
like Solomon's; for religion, he [illegible]
more, nor no man's knowledge [illegible]
lustre and advantage to it. This [illegible]
liver it to the next, and [illegible]
his kingly works.—But while under
reign, we abounded in peace [illegible]
hands had forgot to war, and in [illegible]
till at last, by your princely [illegible]
the humble suit of both [illegible]
Treaties were dissolved, and [illegible]
for your help, to restore us to our [illegible]
military honour, which [illegible]
quite be—Extinguished the [illegible]
punish, and ruined [illegible]
private men, much [illegible] for our [illegible]
the counsels or actions of [illegible]
give me leave, from an heart full [illegible]
glory and greatness, to [illegible]
times require you, religion calls [illegible]
go on with that kingly courage [illegible]
all the state of Christendom be set [illegible]
right balance again.—We see how [illegible]
spreads his wings in Germany, reaches
his talons as far as the Sound and Belt
Denmark and Sweden in danger of [illegible]
we see all the electorates, the chiefest [illegible]
empire, invested, in a manner, solely in the
house of Austria, our religion in [illegible]
every where, never so near a period [illegible]
know who it is for whom all this work [illegible]
whom the beast is made, Ille est monarcha
mundi nascitur; who, by the ruin of us and
our religion, will make a new Zodiack, and
draw his Ecliptic Line through the east and
West Indies [illegible] but He that sits on high, will, in
his good time, laugh them to scorn; and, as
that wise woman said to king David, 'God
will make to my lord the king a sure house, for
my lord the king will fight the battles of Jeho-
vah:' and let all England say, Amen! I [illegible]
presumed [illegible]ar upon your [illegible]
[illegible]t refer I will conclude with a few words for
them that sent me, who are humble suitors to
your excellent majesty [illegible] for better assurance
the public and important services of the [illegible]
that our [illegible]es and [illegible] [illegible]
free, both in our persons and goods, from all
arrests and troubles, according to our ancient
privileges and immunities. That [illegible]
all great causes [illegible]
truth is best [illegible]
our majesty [illegible]
and privilege, will be graciously pleased to allow
us liberty and freedom of speech and [illegible]
myself, we shall not [illegible]
and discretion. 3. That upon all [illegible]
of moment, but for [illegible]
[illegible]
leisure, will touch[illegible]

[illegible] first element of all government, pu- [illegible] respect of the unity of the head, [illegible] is the [illegible]. And, it refers, [illegible] while, tha, [illegible] as into the [illegible] for preservation but for continuance. But [illegible] governments though [illegible] so [illegible] [illegible], but [illegible], therefore, [illegible] is [illegible] and this [illegible] [illegible] represents [illegible] happy and [illegible] by [illegible] [illegible] of the [illegible] [illegible] by those [illegible] [illegible] from [illegible] [illegible] it, his [illegible] [illegible] [illegible]

doubt of acceptance.—Having spoken [illegible]union, you fall presently into a memorial of the great and glorious actions of his majesty's predecessors, and into the height and contemplation of greater that remain. If I mistake not your meaning, you would have it understood, that the union of prince and people made way to those remarkable acts of former times, and that we that wish the like success in our time, should look back upon our forefathers. Wisdom requires it; honour and the times require it, that we should shew ourselves the sons of our ancestors, at least, in holding that which they left us. The pride of Rome abated, as you say, by England, now lifts up her horns again: religion, God's vine planted and deeply rooted here, over-spread into our neighbour countries, hath of late lost many of her goodly branches. The Austrian Eagle, that wanted feathers till of late, now soars and preys at will over all Spain, so often foiled by us, hath, by disguised treaties, despoiled of their patrimony those princely branches of our royal cedar; and posts apace to his universal monarchy, to the ruin of us, our friends and religion. God hath his time, and I trust a time to stop their course. I know not but we may expect it as well now as ever. There is a resolution in our king, and there is, I trust, (for I am sure there was) a resolution in our parliament, for great actions. Our king as he hath a Solomon, so hath he many Davids in the glorious catalogue of his royal descent; and hath linked himself to the house of Henry the Great, who bears a glorious and auspicious name suitable to his thoughts and desires: and, therefore, since honour and religion call for it; and since you have encouraged him to fight Jehovah's battles, let all put to their hands, that our king and nation may have the honour to set Christendom in her right balance.—And now to come to the petitions you have made for the house. His majesty most graciously and readily grants them all, according to your true and antient rights and prerileges of parliament; which, his maj. trusts, you will take care not to exceed or transgress, and, therefore, you may go chearfully together, and speedily set about the public affairs. And may Almighty God prosper the works of your hands, I say, the Almighty God prosper your handy-work."

The Communicating of the Sacrament.] Mar. 20. It was ordered, 'That all the members of that house should receive the communion at St Margaret's church, Westminster, on Sunday the 6th of April next.' Particular persons were assigned to see that each member took the same, who were to have, and produce in the house, certificates of it, before they were allowed to sit there. But, lest this act of devotion should be termed, as it had been, an old stale trick to catch concealed papists by, it was followed by a motion for a committee to be appointed, to draw up a Petition to the king, for a General Fast, to be observed throughout the kingdom. This Petition was drawn, read and [illegible] and the lords were [illegible] it; which, being [illegible] tion was pre[illegible]

Petition of [illegible]. Gracious Sovereign, [illegible] and loyal subjects, [illegible] peral, and commons [illegible] assembled upon [illegible] sense of the [illegible] ed Churches [illegible] apprehending the [illegible] declared against [illegible] eids already fallen [illegible] are further threat[illegible] ning were imminent [illegible] destruction and [illegible] state, all which [illegible] eil and being [illegible] favour, assembled [illegible] Council of this [illegible] such means, as [illegible] present, and prevent [illegible] when [illegible] we, through God's [illegible] employ our utmost endeavours [illegible] hearts to your [illegible] and the [illegible] ple did, humbly [illegible] your special command [illegible] be, forthwith, [illegible] both ourselves and [illegible] by fasting and [illegible] the hands of Almighty [illegible] and penitent heart [illegible] those miseries that [illegible] hour churches, to [illegible] ened; to continue [illegible] and particularly [illegible] singing upon your [illegible] that all our councils and [illegible] blessed by his Divine Assistance [illegible] much honour, safety, and happiness [illegible] may your person, and [illegible]

The King's Answer.] To this [illegible] the king returned this answer: 'His majesty is pleased with the petition, and is willing to have a Fast: as to the time, he likes well the appointment of Sunday, April 9, in Westminster, and the next following in London; which time it may be hoped the Lord will cause to prove God's time for the good of what we shall, by that time, receive also, begs sincerest wishes other [illegible] them, now in danger and [illegible] these in one." The [illegible] at April for a general Fast throughout the kingdom.

Debate upon Public Grievances.] It [illegible] mons went now upon the [illegible] nances, and many [illegible] against the government, for [illegible] diers; Raising Money by [illegible] Loans; Benevolences and Privy Seals and [illegible] too fresh in memory, the Imprisonment of certain gentlemen, who refused to [illegible] that account, and afterwards, [illegible] the Habeas Corpus, were, nevertheless, [illegible] to prison. All these took place before the Supply,

[illegible] [illegible] [illegible]

rights, nay, before their o
n wrong to us, to our p
rogatives, if we shall forego
ll do well to present to his
the general, thinking the
committees. What I
hall then, I submit to better

passionately and rheto-
e circumstances; he mis-
ng of our laws, urged
ts for our propagating
tor a committee."

"Let us take heed of
ho is young and vigorous,
e, and may be won to
ving he alledged all
, were actions of neces-
with other things, by way

"The king congratulating
parliament, he prays for a speedy
sures as to his gracious inclination
ard of the consequences of this
ight to make such the safety
and estate abroad depends
and success thereof, and he wisheth
blivion of things that are past, lest
stirred anew, without a pre-
by his majesty."

"I read of a custom
and Romans, that once every year
allegan feast for their slaves; at
liberty, without exception, to
would, thereby to ease their
which being finished, they re-
to their former servitude.
some resemblance and distinc-
our present state, where
of some time, and
many violent oppressions,
shares had, a day of liberty
mit, I trust, be hereafter
what new illegal
ipositions have suffered
ears to think, no tongue
being well repre-
gentlemen before me;
the common, as I
heard, which is our
Speech under
, for pecuniary causes,
, disposed, which Papists may,
without
, practise idolatry. For the
which we groan, I draw
Acts of Power against
Law, and Judgments of Law against our
Of the first sort are, strange instruc-
tions, without Assemblies of Money thereupon;
ment of the Persons of such who (to
our posterity the liberty they
their fore-fathers, and lawfully
of) refused so to lend; and
by the remediless continuance

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[1] See the Ephemeris Parliamentaria,' recording the D. Proceedings.

and length thereof: and chiefly, the strange, vast, and unlimited power of our lieutenants and their deputies; in billetting of soldiers in making rates, in granting warrants for taxes as their discretions shall guide them and all this against the law. These last are the most insupportable burdens that, at this present, afflict our poor country, and the most cruel oppression that ever yet the kingdom of England endured. These upstart deputy-lieutenants of whom, perhaps, in some cases and times, there may be good use, being regulated by law, are the worst of grievance, and the most forward and zealous executioners of those tolerant and unlawful courses which have been commended unto them; of whose proceedings, and for the qualifying of whose unruly power, it is more than time to consult and determine. Judgments of law against liberty have been, each letter in print for a precedent to the former, upon the Right of the Subject, running in the end to tread and trample under foot our law, and that even in the form of law. The 1st was the judgment of the Parliament (the Scots), whereby a nation (which I heartily love for their singular good zeal to our religion, and their free spirits to preserve our liberties far beyond many of us) is made capable of any the like favours, privileges, and immunities as ourselves enjoy, and the respect ills argued, in the Exchequer-chamber, by all the Judges of England. The 2d, was, the Judgment upon Impositions, in the Exchequer-court by the barons, which hath been the source and fountain of many bitter waters of affliction unto our land. The 3d was the late Judgment against the Liberty of the Subject imprisoned by the king, argued and pronounced but by one judge alone — I can live, although another who has no right to be put to live with me, nay I could wish that I pay excises and impositions more than I do, but to have my liberty, which is the soul of my life, taken from me by power and to have my body pent up against all right and law by law, and to be so adjudged! O my brethren, see to it! O unwise forefathers! in so careless in providing for the quiet possession of our laws, and the liberties of parliament and to neglect our persons and suffer them to lie in prison, and that upon complaint, and ... If this be law, what is all of liberties? Why do we trouble ourselves with a dispute about law, franchises, property of goods, and the like? What is any man call his own, if not the Liberty of his Person? I am weary of treading this way, and therefore conclude to have a select committee deputed, ... a Petition to his maj. for redress of these things, which being approved by the house, may be delivered to the king, or whose grace's hands we have else access to; but, our desires being so reasonable, our means to us so small, and the manner so humble neither need we fear this to be the critical parliament, as was insinuated, or this a way to distraction, but assure ourselves of a happy issue. Then shall the king, as he calls us his great council, find us his true council, and own us his good council. Which God grant!"*

Mr. *Godwin*. "It hath pleased his maj. in his last speech, to intimate unto us the cause of our meeting; which is to grant Supply against the great and common dangers that threaten the ruin of this kingdom; and as the time of our sitting cannot be long, he therefore wisheth us to avoid all tedious resolutions. In conformity whereunto I propound, That, laying aside all other matters, we address ourselves to that for which we were called hither in the first place, which is the king, in our ... humble duty towards Almighty God, so let us be prepared to serve and supply the king, yet so as to satisfy our country that sent us hither, and preserve our rights and privileges, which I hope all surely have a ... and infringed, — undoubtedly they belong to ..."

Sir *Benj. Rudyard*. "It is the goodness of God, and the favour of the king, that hath brought us again to this place, and if we be then faithful to him, as he by ... hath ... our meeting ... in all ... so with a blessing. This is the case of parliaments, by this we shall know whether parliaments will live or die: besides, the eyes of Christendom are upon us; the king and the ... will ..., and dissolved, both by enemies and friends, according to the success of this parliament. The council here in this house will have in expectation upon all the councils of Christendom; our lives, our fortunes, and our religion depend upon the dissolution of this assembly, wherefore we had need to be wise. His maj. hath already begun in affection, proclaiming, through the whole kingdom, that he relies wholely upon our loves; which, if we do not answer in our actions, we are worse than unworthy of his. The cause why we are called hither is, to save ourselves, and self-preservation is a thing so natural, as sure no man needs to be ... to it. We ... not now upon the benefit of the kingdom, we ... upon the very essence of ... whether we shall be a kingdom or no; ... when we have made it sure that England is ours, then may we have time to peuse and to digest. Is it a small matter that you, that we ... actually have the enemies ... in the most ... kinds of Christendom, prosecuting us to ... without weakening them at all? Nay, that they are both united and become better friends, than ever they meant to have been? ... it ... with us, that we have been ourselves, more than our enemies could have done? And shall we still continue to do so by our divisions, by our distractions? Men and brethren, what shall we do? If there no help in Gilead? Is there no remedy here? Then is ... left but to ... but in ruin? If we persist ... to draw one way, the parliament another, the commonwealth must sink in the ... I hope

*From the 'Ephemeris Parliamentaria' and MSS.

... Parliament he desired with ...

…ings of no good…course an assemb… I am to mind's advantage as I ever held it … this ground hath the deepest and the integrity of the… to resolve… order, but as he … concerns the general… Sir, more presumptuous, as I … perfect is discovered … been in it trimmed by a … in the place. Yet, sir, give me leave … to … ment … a matter … I … I humbly beseech this … in mind … and especial… minds … personal … to … great, … I … ted in itself, … it … is comely and … appearance, … their subjects. Let … come off … that he doth, with … for us, but it is our duty … advise the king, concerning … of the kingdom, else … a great council, as we are … But the way to shew … selors that we should … course to attain the end of … in my opinion, must, by the … sed by truston, the king … trust in him towards us … confidence, a good success … ed, by giving a large and … portunable to the … of the work in hand … is but a speculation by … ances and advices, … his majesty's letter … likeliest to find a … by making it appear, … omit or abate, … ful and awful respect … body of a parliament … head and, to avoid … our sole, for … we can reasonably expect … this may be no hard matter … ing; the nearness … and his subjects … existence with … the bill … person, (Sir Edw. Coke … sary for the preser… Subject, to this … is not safe in his … not at home.*

Sir *Thomas Went…* … resolution be as happy … position will … be seasonable and … shall look upon the king or his people, it … more behove this great physician, the … to effect a true consent amongst … than now. This debate carries … double aspect; towards the sovereign, … words the subject, though both be inno… yet both are injured; both to be cured. … representation of injuries I shall crave … attention; in the cure, I shall … judgments. In … humbly I speak it, these illegal ways … Punishments and marks of indignation; … raising of money by Loans, strengthened … commission, with unheard of instructions; … billeting of Soldiers by the lieutenants, … have been as it they could have persuaded Christian princes, my worlds, that the right … empire was to take away goods by strong … and, and the … endeavoured, as far as … by the … them to do it. This hath not … been done by the king, (under the pleasing … shade of whose crown, I hope we shall ever … rather, the traitors of state) but by projectors; … have … the … of the … king … name, … marrs the … harmonies of the whole. This have re… … the … eyes, … compa… … from the … … …

but by parliament; and no billeting of soldiers. It is most necessary that these be resolved, that the subjects may be secured in both. That, for the manner, it will be fit to determine it by a grand committee.'*

Sir *John Coke*, 'Dum tempus habemus, bonum operemur. I am absolutely for giving Supply to his majesty with some caution. To tell you of foreign dangers and inbred evils, I will not do it, the state is inclining to a consumption, yet not incurable, I fear not foreign enemies, God send us peace at home. For this disease, I will propound remedies, I will seek nothing out of my own head, but from my heart; and out of acts of parliament. I am not able to fly at all Grievances, but only at Loans. Let us not flatter ourselves. Who will give Subsidies, if the king may impose what he will? And if, after parliament, the king may enhance what he pleaseth, I know the king will not do it. I know he is a religious king, free from personal vices, but he deals with other men's hands and sees with other men's eyes. Will any give a subsidy, if they use to be taxed after parliament at pleasure? The king cannot lawfully tax any by way of Loans. I differ from them, who would have this of Loans go amongst Grievances; for I would have it go alone.—I'll begin with a noble record. It cheers me to think of it, 26 Edw. 3. It is worthy to be written in letters of gold. 'Loans against the will of the subject, are against reason, and the franchises of the land, and therefore desire restitution.' [Vol. 1. p. 117.] What a word is that franchise? The lord may tax his villain high or low, but it is against the franchises of the land, for freemen to be taxed, but by their consent in parliament. Franchise is a French word, and in Latin it is Libertas. In Magna Charta it is provided, that 'Nullus liber homo capiatur vel imprisonetur, aut disseisetur de libero tenemento suo, &c. nisi per legale judicium parium suorum, vel per legem terræ.' This Charter hath been confirmed by many good kings, above thirty times.'*

Sir *John Cooke*, (secretary of state.) 'I had rather you would hear any man than me. I will not answer what hath been already spoken. My intent is not to stir, but to quiet, not to provoke, but to appease my desire is that every one resort to his own heart to reconcile the king and the state, and to take away the scandal from us. Every one speaks from the abundance of his heart. I do conclude, upon every one's conclusion, both to give to the king, and to redress Grievances; all the difference is about the manner. We are all inhabitants in one house, the common-wealth. Let every one amend his own room, for some what is amiss in every one; but if all the house be on fire, will ye then think of mending what is amiss? Will ye not rather quench the fire? The danger all apprehend; the way that is propounded, I seek not to decline. Illegal courses have been taken, it must be confessed; the redress must be by laws and punishment but, withal, add the law of necessity: necessity hath no law, you must enable the state to do what you do, by petition, require. It is wished that we begin with Grievances. I deny not that we prepare them, but shall we offer them first? Will not this seem a contention with his majesty? do we not deal with a wise king, jealous of his honour? all the Subsidies we can give cannot advantage his majesty so much, as that his subjects do cheerfully agree to supply him: this will amaze the enemy more than ten subsidies. Begin therefore, with the king, and not with ourselves.'

But rather this day, nor the next, to proceed any resolutions, the time being spent in a general opening of Grievances from all parts of the kingdom.

DEBATES ON THE SUPPLY. We are obliged to Rushworth for the following Debates on the Supply, &c. which were moved by Mr Secretary Cooke, on the 11th March, to this effect.

Mr Secretary *Cooke*. 'We will think not, that both Subsidies and Grievances go hand in hand together, but let me put you in mind of that which concerns the king. It hath been the precedency, honour, and dignity of the head of the land, Supply must be propounded. The will of man must be subject to the will of God, the will of the subject to the will of the king, as he himself hath declared, and perhaps in him it rests to be the adjutor of the king's revenue; and therefore all agree to his majesty to tell you that no time is more fit to hear the complaints of his subjects; and, when you have given a supply, all things will be well. Will you have the king to come to you, to have the matter every day as the speech of an antient parliament man, Let us deal gently with our king, that we make, we do build ourselves, and it is an addition to his greatness, both civil and martial. To our king having made great preparation with fleet, it is next intended, that we have a navy royal; it is not in us to be set to work by halves, it is dangerous, and expects it. After the navy royal be set, there is considered the land service, and the forces that shall be employed against the Infanta of Spain, and the charge of the garrison of the Low Countries, which none desires to be reformed sooner than his majesty; there is likewise the charge of the ordnance, the best way for reformation of which must be an inquisition of the whole, which cannot be reduced to more than a little before the next parliament. Then we shall have every thing in a better order, this will have a good effect abroad,

* From a MS in the Harleian Library, but there is an abstract of it in Rushworth.

† This and the following are from Rushworth, p. 502 corrected by the MSS.

and will give courage to our enemies, as they have been despised, it will prevent present divisions amongst us, both at home and abroad.—The first sowers of seeds of distraction amongst us, were engagers of Spain, Gondomar, that sent his instructions to his secular and regular agents here, that the chief ministers that have drawn the late Spanish ambassador, Prince Charles, into Spain, were papists, and that by the king and people and his own council there. Was it ever before in Parliament, there was another in Council, other well-willers with us? It is [illegible] that the papists, [illegible] to Rome, [illegible] ed, and some of them are there where they ought not to be, as Jesuits and seminaries, that had rived St. Joseph was called in the last session of Parliament, and then was the day [illegible] in motion. I speak this, to see God's hand to work our union by their division, they are not more from us, than they are from themselves. I desire the meanest judgment to consider what may follow by giving precedents to the king, and, by nothing, we shall put ourselves many imputations. If we give any occasion of breach, it is a great disadvantage, and erwise, it is an obligation to the king, which his maj will not forget.—

[illegible] the madam Hen, That the same committee may hear Propositions of general Heads or points, and afterward go to other businesses of the day, as for Grievances. Others preferred the clear declaration of Grievances, as a particular of that invades the main Liberty of the Subject. It is the law, said they, that glorious fundamental right, whereby we have power to give, we desire but that his maj. may see us have that right thereof, which is due to God, we will desert and them, we do it not, but we shall give his maj all the Supply we can.

March 15. Mr Secretary *Cooke* tendered the same certain Proposition from the king touching Supply; and told them, That his maj. had no time precious, he past that they should begin speedily, lest they spend that time in deliberation, which should be spent in action; that he esteems the Grievances of the house known, and stands not in pressed need in point of honour therefore to satisfy his maj. let the same committee take his maj's Propositions into consideration, and let both concur, whether to sit on the one in the forenoon, or the other in the afternoon, it is all one to his majest

Hereon the house went into a committee and commanded Sir Littleton, esq into the chair, and ordered the committee take into consideration the Liberty of the Subject, the Person and in his goods, and in [illegible] consideration his maj's Supply In the debate, the Grievances were reduced to three heads, as to our Persons. 1 Attendance at the Council-board. 2 Imprisonment. [illegible] nements, and Denegation of Trial in Inquest

ment. 5. Mutual Law [illegible] Undue Proce[illegible] against the Liberty of the Subject.—The first matter, that is, the [illegible] Liberty of his Person the particular instance was, in the case of Sir John Heveningham and those other [illegible] who were committed about Lord [illegible] and their not having brought their [illegible] habeas, but divers [illegible] and were [illegible] endless remand to prison; and [illegible] it was thereupon, was entered.—Thus upon

Sir [illegible] (Attorney) spake to the [illegible] I hope I shall speak somewhat [illegible] the [illegible] Subject' [illegible] [illegible] Liberty, [illegible] necessary [illegible] and more [illegible] [illegible] and liberties than the common. I think I am one of the youngest of our profession, that am member of this house, but however, sure I am, the youngest of us am qualified, I am the youngest of the whole House that have accustomed, in the usual course of students in our profession, I may, as the youngest, speak first in time, because I can speak first in matter. In pursuance whereof, Mr Speaker, this case, than next it, or therefore I shall humbly desire, first of all, of this hon house in general, that the coldness of the cause may receive no prejudice by the [illegible] of my garment, and next, of my [illegible] of the same profession in particular, that they, by their learned judgments, will supply the great defects I shall discover by the [illegible] of my unlearned tongue. Before I speak to the question, give me leave to [illegible] entrance into it, to speak first of the occasion. You all know that justice is the life and the [illegible] blood of the commonwealth, and if the commonwealth bleed in that master-vein, all the rubies in Christendom is but vain to preserve the life of body from ruin and destruction. Justice is both columna & murus reipublicæ she is both the [illegible] and the pillar the crown and the [illegible] of [illegible] It is made [illegible] by the judgment of Solomon, the [illegible] that [illegible] on earth For, Sir, she is the [illegible] for [illegible] Let justice the [illegible] is established [illegible] [illegible] [illegible] the [illegible] [illegible] exalted. Our laws, which are the rules of justice, are the [illegible] to [illegible] the [illegible] and the subject and, [illegible] Hereafter [illegible] years, some [illegible] this [illegible] [illegible] [illegible] [illegible] who [illegible] [illegible] [illegible] [illegible] leave [illegible] [illegible] [illegible] [illegible]

shelter as before; yet, let us [illegible] collect the rest of this great [illegible] with all our possible means, [illegible] unfeigned duties, both apply fresh and [illegible] mould unto it, and also water it even with [illegible] own tears; that so these bruised branches [illegible] be recovered, and the whole tree [illegible] and flourish. For [illegible] I have learned [illegible] antient Father of the church, that [illegible] regum sunt armatæ, yet animæ subditorum [illegible] but only preces & lachrymæ. I know [illegible] that our reges miserunde, and that [illegible] though they are but men before God, yet [illegible] re gods before men. And therefore [illegible] gracious and dread sovereign, who [illegible] are true qualities ingenerate, both in [illegible] nient and nature) let my arm be cut off [illegible] der my soul not live that day, that I shall [illegible] as lift up my arm to touch the forbidden [illegible] those flowers of his princely crown and diadem. But not in our Eden, in this garden of the commonwealth, as there are the flowers of the sun, which are as glorious that they are to be handled only by royal majesty, so there grow also some dangerous and wholsome herbs, which every common hand, that lives and labours in this garden, may pick and gather up, and take comfort and repast in them. Amongst all which this oculus dei, this bona liberias of which I am now to speak, is not one only, but the chief.—Thus much, in all humbleness, I presume to speak for the occasion. I will now descend to the question: wherein I hold, (with all dutiful submission to better judgments) that these acts of power, in imprisonment and confining of his majesty's subjects, in such manner, without any declaration of the cause, are against the fundamental laws and liberties of this kingdom. And for these reasons, thus briefly drawn, I conclude. 1. From the great favour which the law doth give unto, and the great care which it hath ever taken of, the liberty and safety of the bodies and persons of the subjects of this kingdom. I shall not need to take the question in pieces, nor hand it in the parts dividedly, but as one entire body, because I hold no other difference between imprisonment and confinement than only this, that the one hath a less and straiter, the other a greater and larger prison. And this word "Confinement" not being to be found in any one case of our law, if therefore it is become the language of state, it is too difficult for me to define.—To proceed therefore in maintenance of my first reason; I find our law doth so much favour the liberty of the subject's person, that the body of a man was not liable to be arrested or imprisoned for any other cause at the common law, but for force and things done against the peace: for the common law, being the preserver of the peace of the land, so much herreth force, that those that commit it, she accounts her capital enemies; and therefore did subject their bodies to imprisonment. But by the statute of Marlbridge, which was made 52 Hen 3 because bailiffs would not render accounts to charge [illegible] [illegible] [illegible]

him[illegible] where he saith [illegible] not the [illegible] trument" [illegible] the [illegible] comprehends all [illegible] to the [illegible] degree [illegible] the [illegible] purchase [illegible] hold it, [illegible] the [illegible] lute power [illegible] at this [illegible] proof [illegible] not follow [illegible] by his [illegible] heir to his [illegible] to any other, for he cannot distrain [illegible] heir, saith the book, nor the [illegible] hold it, [illegible] shall pay no toll for things bought in fairs and markets, but custom in paying toll to go over the soil and freehold of another shall bind the king, for that toll with the inheritance of the subject, and therefore the king shall not have so much as a way over his lands without payment; and, if not a way, then certainly not the land itself. — Next, for Goods. If a man hath a jewel in gage for 10l. &c. and is attainted of treason, the king shall not have the jewel, if he pay not the 10l. So, if cattle be distrained and the owner of them afterwards be attainted, yet the king shall not have them until the party be satisfied for that for which they were distrained. And in those cases, where the owners of goods are such capital offenders, the king cannot have them, much less shall he have their when the owners themselves are no offenders. Nay, I may well say, that the ancient, legal and proper right of the crown of our common law proceeds not so far, as by this doctrine it would seem; and it were a hard case, that one subject should take away another subject's goods, and therefore I conclude as follows, That the plaintiff ought to recover land or goods, that is, the thing, and not the person which is of more worth than either lands or goods, as I said before. And yet I agree that, by the very law of nature, the service of the person is due and to be preferred before the service of the purse; but this is not in such things which are not to answer the law's pasture, but to have the body imprisoned, without any cause declared, and so to become in bondage, I am sure is contrary unto and against the law of nature, and therefore it is to be enforced by the [illegible] reign upon his subjects.—5. My next reason is drawn ab inconvenientibus. For the statute de frangentibus Prisonam, made 1. Ed. II. is, quod nullus, qui Prisonam fregerit, subeat judicium vitæ vel membri pro fractione pr[illegible] tantum; nisi causa, pro qua captus et imprisonatus fuerit, tale judicium requirat. Whence this conclusion is clearly gathered, That if a man be committed to prison, without declaring for what cause, and then, rather the minister do break the prison [illegible] the [illegible] rather than [illegible] escape, when the prisoner so escaping had committed [illegible] from majestatis, yet neither the jailer, [illegible] or that procured his escape, can, by [illegible] any corporal punishment for setting [illegible], which, if admitted, might prove, [illegible] ce, a matter of great danger to [illegible] wealth.—4. My next reason is [illegible] honour, from that great honour [illegible] attribute unto sovereign majesty; [illegible] the role of law is, that solum rex [illegible] facere, quod non potest injuste [illegible] and therefore if a subject hath the [illegible] no and the king the prerogative to a [illegible] whereunto the king presents without [illegible] object's nonnumation; here the quare [illegible] lies against the incumbent tantum, and [illegible] is in law no disturber. And Hussey, [illegible] justice in 1. Hen. 7. fol. 4. saith, That [illegible] Markham told king Edward. 4 he [illegible] a man either for treason or felony, [illegible] and yet might because that if the king did wrong, the party could not have his action against him. What is the reason that an action of false imprisonment lies against the sheriff, if he doth not return the king's writ, by which he hath taken the body of the subject, but this; because the writ doth therein enumerate certain captions; which, if it doth not, it shall abate and is void in law, and being returned, the party, when he appears, may know what to answer, and the court what to judge. And if the king's writ, under his great seal, cannot imprison the subject, unless it contains the cause, shall then the king's warrant otherwise [illegible] without containing the cause; that shall bridges upon return thereof, may likewise judge of the same, either to remand, bail, or deliver the party imprisoned?—I should argue the point more closely upon the statute of Magna Charta, c. 29. quod nullus liber homo imprisonetur, the statute of Westminster I. c. 15. for letting persons to bail; and the judgment [illegible] given in the king's bench: but the latter [illegible] statutes having been by that h. [illegible] to whom the professors of the law, both in this and all succeeding ages, are, and will be much bound) already expounded unto us, and that also fortified by those many contemporanea expositions and judgments by him [illegible] cited; and there being many learned lawyers here, whose time I will not waste, who were present, and some of them perhaps of counsel in the late cause adjudged in the king's [illegible], were you, sir, to whose person I [illegible] speak, do well know I was absent, being [illegible] of counsel in a cause in another court; and my practice being in the country, far remote from the treasures of antiquity and records, confine me; to the clearing of this point therefore the [illegible] darkness of my understanding commends into the sober ignorance, rather than presumptuous knowledge; and so commends me no further to trouble your patience. —But I will conclude with that which I [illegible] reported by [illegible] Davis, who was the [illegible]

[illegible] Edward Coke, [illegible] 4th Edw. Lit. [illegible], the chief [illegible], afterwards Lord Keeper.

serjeant; and so, by the duty of his place, would no doubt maintain, to the uttermost of his power, the king's prerogative royal, and yet it was by him thus said, in those Reports of his upon the case of Tunstry Custom. That the kings of England alway have had a monarchy royal, and not a monarchy signoral, where, under the first, the subjects are free men, and have property in their goods, and freehold and inheritance in their lands; but, under the latter, they are as villains and slaves, and have property in nothing. And therefore, when a royal monarch makes a new conquest, yet, if he receives any of the nation's antient inhabitants into his protection; they, and their heirs after them, shall enjoy their lands and liberties according to the laws.' And there he vouchers this precedent and judgment following, given before William the Conqueror himself, viz. That one Sherborn, at the time of the Conquest, being owner of a castle and lands in Norfolk, the conqueror gave the same to one Warren, a Norman; and, Sherborn dying, the heir claiming the same by descent according to the law, it was before the conqueror himself adjudged for the heir, and that the gift thereof by the conqueror was void.—If then it was thus in the conqueror's time, and by his own sentence and judgment, and hath been continued in all the successions of our kings ever since, what doubt need we have, but that his most excellent maj. upon our humble petition prostrated at his feet (which, as was well said, is the best passage to his heart) will vouchsafe unto us our antient liberties and birthrights, with a thorough reformation of this and other our just grievances and so I humbly crave pardon of this hon. house, that I have made a short lesson so long, by making more rests than antes'

A Committee appointed to inquire concerning the Judgment against the Refusers of the Loan.] Upon this and other arguments made in this case of the Habeas Corpus, the house referred the whole business to a committee, to examine all the proceedings, concerning which Mr. Selden afterwards made report to the house, "That Mr. Waterhouse, a clerk in the crown-office, being examined before the committee, did confess, That, by direction from sir Rob. Heath, the king's attorney general, he did write the draught of a Judgment in the case before mentioned; which was delivered to Mr. Attorney. And Mr. Keeling, being examined before the committee, did confess, That after Michaelmas Term last, the attorney-general wished him to make a special entry in the Habeas Corpus. To which he answered, He knew no special entry in those cases, but only a remittitur but said to Mr. Attorney, that if he pleased to draw one, and the court should afterwards assent to it, he would then enter it. The attorney did accordingly make a draught; and the copy thereof Mr. Keeling produced to the committee. And further said, That he carried this draught to the judges, but they would not assent to a special entry, be-

[illegible] [illegible] [illegible] [

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...ly as our advice and desire;
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...*Houses concerning en-*
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...of the delivery thereof,
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..., the lords spiritual
...ns, in this present
...n of the due care of
...d, and of the honour
...with all humbleness,
...e consent, present to
...hand ... loyal desires of all
...es; is drawn down in a most
...to quicken the laws
...the peace of the state
...ur maj.'s most
...on the like Petition;
...in the world, to your maj.'s
...we bend our knees and
...our ... therefore;
...nevertheless that we repair
...English human knows,
...and according:
...some weeds of a
...that come from all
...tell your maj.
...cleansed. And
...pray to him often,
...pleaseth to bestow
...them from the pen
...therefore. I humbly be-
...to hold gracious ear to hear
Petition. — After the reading
...ery humble this short speech
...and gentlemen, I do very well
...element of your proceedings in this
...ament, a Jove Principium, hoping that
...rest of your consultations will succeed the
...pier. And I like the preamble of my lord-
...keeper, otherwise I should have a little suspect-
...ed, that you had thought me not so careful of
religion as I have been, and ever shall be,
wherein I am as forward as you can desire.
And for the Petition, I answer first in general,
that I like it well, and will use these as well
as other means, for the maintenance and
propagation of that religion, wherein I have
lived, and do resolve to die. But for the
particulars, because they consisted of many
points, you shall receive a more full Answer

hereafter. And now will I only add this, That as we pray to God to help us, we must help ourselves; for we can have no assurance of his assistance, if we do let it be but a vain only pray, without using other means. And, therefore, I must remember you, that if we do not make provision speedily, we shall not be able to set one ship to sea this year. Verbum sapienti sat est."

In regards the lord-keeper signified unto the house, That his maj. had now given his Answer unto the Petition exhibited by both Houses against Recusants: and had commanded him to read the same Answer in this house; and Mr. Secretary to read it to the commons. Whereupon the clerk read the first Article of the said Petition; and the lord-keeper read his maj.'s Answer unto the same, and to each Article thereof. The which Petition with the Answers, follow, in hæc verba.

"Most gracious sovereign; We your maj.' most loyal and obedient subjects, the lords spiritual and temporal, and commons, in parliament assembled, having to our singular comfort, obtained your maj.'s pious and gracious grant for a Public Fast, to appease the wrath of Almighty God kindled against us, and to prevent those grievous judgments which do apparently press upon us, do in all humility, present unto your sacred maj. all possible thanks for the same. And, because the public and visible sins of the kingdom are the undoubted causes of those visible evils that are fallen upon us; amongst which sins, (as is apparent by the word of God) idolatry and superstition are the most heinous and crying sins; to the end that we may constantly hope for the blessing of God, to descend upon this our public humiliation, by abandoning those sins which do make a wall of separation betwixt God and us"

Article I. "We most humbly and ardently beg, at the hands of your most sacred maj. That your maj. will be pleased to give continual life and motion to all those laws, that stand in force against Jesuits, Seminary Priests, and all that have taken orders by authority of the see of Rome, by exacting a more due and serious execution of the same: amongst which number, those, that have highly abused your majesty's clemency, by returning into the kingdom after their banishment, contrary to your highness's express proclamation, we humbly desire, may be left to the severity of your laws, without admitting of any mediation or intercession for them. And that such of your maj.'s unsound and ill affected subjects, as do receive, harbour, or conceal any of that pernicious generation may, with all delay, suffer such penalties and punishments, as the laws justly impose upon them"

His Majesty's Answer.]—"To the first point, his maj. answereth, That he will, according to your desire, give both life and motion to the laws that stand in force against Jesuits, Seminary Priests, and all that have taken orders by authority of the see of Rome, and, to this end, his maj. will give strict order to all his ministers, for the discovering and apprehending of them, and so leave them, as they are, to the censure of the law. And, that after a fair trial, there shall be care to remove the person of any of the said persons, that shall be committed, according to the example of the best times, to the castle of Wisbech, and there be safely kept from exercising the functions, or spreading their superstitious and dangerous doctrine, and the receivers and abettors shall be left to the law."

II "That your maj. would be pleased to command a nearer and stricter watch, to be kept in all the several your maj.' ports and havens; and to command the careful charge of searching of ships for the discovery and apprehension, as well of Jesuits and Seminary Priests brought in, as of children and young students, sent over beyond the seas, to suck in the poison of Popish and superstition, into men of approved fidelity and religion: and such as shall be convicted to have assisted or combined at the bringing in the one, or conveying of the other of them, that the laws may pass upon them with speedy execution"

Answer.] "To the 2nd Article, his maj. granteth all that is desired therein; and, to this end, will give order to the lord-treasurer, lord admiral, and lord warden of the cinque ports, that, in their several places, they be careful to see this article fully executed, giving strict charge to all such as have place and authority under them, in use all diligence therein. And his maj. requireth them, and all other his officers and ministers, to have a vigilant eye upon such as dwell in danger in places of advantage or opportunity, for receiving or transporting of any such as are here mentioned. And his maj. will take it for good service, if any will give knowledge of any such, as have continued or combined, or shall continue or combine, as is mentioned in this Article, that justice may be strictly done upon them"

III "That considering those dreadful dangers, never to be forgot it, which did involve your maj.'s sacred person, and the whole representative body of your maj.'s kingdom, plotted and framed by the free and common access of Popish Recusants to the city of London; and to your maj.' court; your maj. would be graciously pleased to give speedy command for the present putting in practice those laws, that prohibit all Popish Recusants to come to the court, or within ten miles of London, as, also, those laws that confine them to the distance of 5 miles from their dwelling-houses; and that such, by past licences not warranted by law, as have been granted unto them, for their repair to London, may be discharged and annulled"

Answer.] "To the 3rd; his maj. will take order to restrain the resort of Recusants to the court; and, also, for the other points in this Article, his maj. is well pleased, that the laws be duly executed, and that all unlawful licences shall be revoked and disanulled."

IV. "That whereas it is more than probably conceived, that infinite sums of money have, within these 2 or 3 years last past, been extracted out of the Recusants, within the kingdom, by colour of composition, and a small portion of the same returned unto your maj.'s coffers, not only to the sudden enriching of private persons, but to the emboldening of Romish Recusants, to entertain massing priests into their private houses; and to exercise all their manifold rites of their gross superstition without fear or controul, amounting, as, by their daily practice and ostentation, we may conceive, to the nature of a concealed toleration; our maj. would be graciously pleased to take this particular, more nearly, into your princely wisdom and consideration; and to dissolve this mystery of iniquity, patched up of colourable leases, contracts, and prevoyances; being but masks, on the one part, of fraud to deceive your maj.; and stales, on the other part, for private men to accomplish their corrupt ends."

Answer. "To the 4th Article; his majesty is most willing to punish, for the time past, and prevent, for the future, any of the deceits and abuses mentioned in this article, and will account it a good service in any, that will inform himself, his privy-council, officers of his revenues, judges, or learned council, of any thing that may reveal this mystery of iniquity. And his maj. doth strictly command every of them, to whom such information shall be brought, that they suffer not the same to die, but do their uttermost endeavour to effect a clear discovery, and bring the offenders to punishment. And to the intent no concealed toleration may be effected, his maj. leaves the laws to their course."

V. "That as the persons of ambassadors from foreign princes, and their houses, be free for the exercises of their own religion, so their houses may not be made free chapels and sanctuaries unto your maj.'s subjects, popishly affected, to hear mass, and to participate in all other rites and ceremonies of that superstition, to the great offence of Almighty God, and scandal of your maj.'s people, loyally and religiously affected. That either the concourse of Recusants to such places may be restrained; or, at least, such a vigilant watch set upon them, at their return from those places, as they may be apprehended, and speedily proceeded against, ut qui palam in luce peccaverunt, in luce puniantur."

Answer. "To the 5th; his maj. is well pleased to prohibit and restrain their coming and resort to the houses of ambassadors; and will command a vigilant watch to be set, for their taking and punishing, as is desired."

VI. "That no place of authority and command, within any of the countries of this your maj.'s kingdom, or any ships of your maj.'s, or, which shall be employed in your maj.'s service, be committed to Popish Recusants, or to Non-Communicants, that have been so by the space of a year past; or to any such persons, as, according to direction of former acts of state, are justly to be suspected, as the place and authority of lords-lieutenants, deputy-lieutenants, justices of the peace, or captains, or other officers or ministers mentioned in the statute, made in the 3rd year of the reign of your father of blessed memory: and that such, as by connivance, have crept into such places, may, by your maj.'s command, be discharged of the same."

Answer. "To the 6th; his maj. is persuaded, that this article is already observed with good care; nevertheless, for the avoiding, as much as may be, all errors and escapes in that kind, his maj. will give charge to the lord-keeper, that, at the next term, he call unto him all the judges, and take information from them, of the state of their several circuits; if any such, as are mentioned in this Article, be in the commission of the peace, that due reformation may be made thereof; and will likewise give order to the lord-admiral, and such others, to whom it shall appertain, to make diligent enquiry; and certify to his maj. if any such there be in place of authority and command, in his ships or service."

VII. "That all your maj.'s judges, justices, and ministers of justice, unto whose care and trust, execution, which is the life of your maj.'s laws, is committed, may, by your maj.'s proclamation, not only be commanded to put into speedy execution those laws which stand in force against Jesuits, Seminary Priests, and Popish Recusants; but that your maj. would be further pleased to command the said judges and justices of assize, to give a true and strict account of their proceedings at their returns out of their circuits unto the lord keeper; by him to be presented unto your majesty."

Answer. "To the 7th, his majesty doth fully grant it."

VIII. "And for a fair and clear eradication of all popery for the future; and for the breeding and nursing up of a holy generation, and a peculiar people, sanctified unto the true worship of Almighty God; that, until a provisional law can be made, for the training and educating of the children of Popish Recusants, in the grounds and principles of our holy religion, which we conceive will be of more power and force, to unite your people unto you in fastness of love, religion, and loyal obedience, than all pecuniary mulcts and penalties that can possibly be devised: your maj. would be pleased to take into your own princely care and consideration, these our humble Petitions, proceeding from hearts and affections, loyally and religiously devoted to God and your majesty's service, and to the safety of your maj.'s sacred person; which we most zealously present to your princely wisdom, craving your maj.'s chearful and gracious approbation thereof."

Answer. To the 8th, his maj. doth well approve it, as a matter of necessary consideration; and the parliament now sitting, he commendeth to both houses the preparation of

a fitting [illegible] to that effect. And his maj. doth [illegible] for a future precedent, to give other [illegible], [illegible] as he advised.'

Sir *Peter Hyman*. 'Vast propositions are delivered to us in shew, which I desire the gentleman that last brought them in may give an exact note of.'

Mr. *Pym*. 'In [illegible] is it fit [illegible] these Propositions, especially of [illegible] the merchant ships, and for preparation for the foreign wars.'

Mr Secretary *Cooke*, observing a disinclination upon the Propositions, as if some of them were to be omitted, said, 'I know you will do it upon deliberation: some there are not possible to be omitted; as, the guarding of the seas; defence of the Elbe and Rochelle; and these draw on all the rest. Ships must have men and munition, and we can not divide any of these. This house is tender of the country. The king will not lay a burden that cannot be borne. We may supply his majesty when this Gate we now what we please, the king may delay making use of it, till the people are able to pay; and by this we shall not only make his maj. subsist, but advance his reputation in the world, by the unity of his people, more than by any treasure.'

Sir *D. Digges*. 'To try and examine faithfully the Propositions. I refer it to the judgment of the House, whether it be fit to handle the businesses in order, or to give in grosse; considering that the bill of Tonnage and Poundage is now brought into the house; which, I think, is to be given for the safe-guardin of the sea.'

Mr. *Spencer*. 'In no case enter into particulars. There hath numerly 5 subsidies been given for the reparing of the fores, and not one penny has been bestowed on them, but [illegible] wasted in disbursing.'

Sir *John Eliot*. 'In [illegible] there may [illegible] some necessity for a war abroad; but, looking on our late disasters, I tremble to think of sending us re abroad. Let us consider those two rent undertakings, Cadiz and Rhee, at Cadiz, that was [illegible] only pretended, whereas our men arrived [illegible] and [illegible] ready, namely, the Spanish ships, a destruction sufficient and fit for us, and this confessed by some then employed, and never but granted by all, that it was [illegible] why cease to intrude? After opportunity lost, when the whole army was landed, with destruction of some of our men; why was nothing done? If nothing was intended, why were they landed? And, why were they ship'd again? For Rhee's voyage was not the whole acts carried against the judgment of the best commanders? Was not the army landed? Not to mention the leaving of the wines; nor touch the wonder that Cadiz never knew, the enriching of the enemy by courtesies. Can we ever what a case we now are in, if, on the like occasion, or with the like instruments, we shall again adventure another expedition. It was ever the wisdom of our ancestors here, to leave foreign wars wholely to the State, and not to meddle with them.'

* The speeches in this debate are taken from Rushworth, and the 'Ephemeris Parliamentaria,' and corrected by the Bulstrode manuscript MSS.

Printed [illegible] of the [illegible] of Northampton [illegible]

bar *Edw. Coke.* 'When poor England stood alone, and had not the access of another kingdom, and yet more and as potent [illegible] not it hath, but the king of England prevailed. In the parliament-roll, 42 Edw. 3 the king and parliament gave God thanks for the victory at the siege of Scotland and France; he had them both in Windsor Castle as prisoners. What was the reason of that conquest? Reasons were given: 1. The king was assisted by good counsel. 2. There were valiant men. 3. They were timely supplied. 4. Good government. In 3. R. 2. The king was environed with Flemings, Scots, and French, and the king of England prevailed. In 13. Ric. 2. the king was environed with Spaniards, Scots, and French, and the king of England prevailed. In 17. Ric. 2. Wars were in Ireland and Scotland, and yet the king of England prevailed, and thanks were given to God here; and I hope I shall live to see God thanks for our victories. In 7 Henry 4 one or two great men about the king so mewed him up, that he took no other advice but from them; whereupon the chancellor took the text and thanks in his speech in the parliament, 'Melior est canis vivus quam leo mortuus,' in both quasi meliores sunt in maximis periculis.' Let us give, and not be afraid of our enemies; let us supply bountifully, cheerfully, and speedily, but never to be parted asunders. Solomon's rule is, 'Qui repetit separat,' may separate fœderates. We are united in duty, &c. to the king. the king hath four-score thousand pounds a year for the navy, and to secure the narrow seas, it hath been taken, and we are now to give it, and shall we now give more to guard the seas? Besides, when that is taken of our gift, it may be diverted another way. It shall never be said we denied Supply. I think myself bound, where there is communæ periculum, there must be communæ auxilium.'

Sir *Thos. Wentworth.* 'I cannot forget that duty which I owe to my country, and unless we be secured in our liberties, we cannot give. I speak not this to make divisions, but to the end, that having, I may give cheerfully. As for the Propositions to be considered of, I incline to declare them, and to look upon the state of our country, whether it be fit to give or no. Are we come to an end for our country's liberties? Have we trenched on the rates of the deputy-lieutenants? Are we secured for time future?'

Sir *Henry Martin.* 'We will desire remedies for our grievances, and, without them, we shall neither be willing nor able to give; for my part, I heartily desire remedy; but which is the best and wisest way, that is the question: as we have made some progress in our Grievances, so let us now go on to Supply. There is a proverb, 'Non bis ad idem.' Dash not the common wealth twice against one rock. We have grievances; we must be eased of them; who shall ease us, no nation hath a people more loving to the king than we, only let the king think it and believe it: there is a distance between him and us; which, before we can have his heart, we must remove. Our disease is not [illegible] that it may be cured: it is the kin' [illegible] which must be cured with gold. Let us imitate Jacob, who wrestled with the angel, and would not let him go: I would we did wrestle with the king in duty and love, and not let him go, in the parliament, till he comply with us. We must take heed of too much reputation, and over-beating of grievances; trivial grievances, and may make a further [illegible] he that talks too much of grievances, may [illegible] the party that is the cause of it make an apology, and so justify it; and that is dangerous. Let us do as poets in a tragedy, that sometimes hear comical passages; and [illegible] mind will [illegible] presently. Sure a due [illegible] ion of Grievances to such a king, with moderation, will take place with him. In all deliberations go the safest way: the old way I have heard, is first to remove Grievances, we must [illegible] and bind [illegible] as all that was done before. I have gone over the Thames in former times, on foot, when it was all ice, but that is no argument to [illegible] in to do the like now because I did [illegible].'

Mr. *Kirton.* 'He desires to know the rock, to the end we may avoid it, and not to [illegible], but forward in our consultations.'

Sir *Rob. Phelips.* 'His good hopes are in his majesty's royal care and wisdom. That the free and great council is the best; but time and hope of change is coming towards us; Rome and Spain trench deeply into our councils. That kingdom there hath been a great progress on both parts, according to the saying of the late king. 'If the parliament did, or should give more than the country could bear, they gave him a purse with a knife in it.'

Serjeant *Heath.* 'That knowing our own rights, we shall be better enabled to give. Two legs go best together, our just Grievances and our Supply, which I desire may not be disparited; for, by presenting them together, they shall be both taken or both refused.'

Debate on Confinement.] The commons still waving the debate of the Propositions for Supply, proceeded with the Grievances of Confinement; on which point,

Mr. *Selden* said, 'Confinement is different from imprisonment, and it is against the law that any should be confined, either to his house or chamber. I know of nothing that can add a punishment, but there is some ground of it, or mention thereof, either in acts of parliament, law-books, or records; but, for this of Confinement, I find none indeed. Jews have been confined, in former times, to certain places; as here in London, to the Old Jewry. The civilians have perpetual prisons, and coercive prisons, upon judgments in court. Carcer domesticus is a Confinement for madmen.'

Sir *Th. Hobby.* 'I was employed in the year 1598 in that service. It was then thought fit

that Recusants should be confined in strong places; but it was not held legal, and when the Spanish navy was dispersed they were set at liberty, and the parliament petitioned the queen for a law to warrant the confinement.'

Debate on Designation to Foreign Employment. [Parl. Hist. April 3. The commons proceeded to the debate concerning Designation to Foreign Employment, in which

Sir *Peter Hayman* opened his own case thus: 'I have not forgot my employment into the Palatinate. I was called before the lords of the council, for what I knew not; but I heard it was for not lending on a privy-seal. I told them, if they will take my estate, let them; I would give it up, and I would not. When I was before the lords of the council, they had no ... charge my unwillingness to serve the king. I said, I had my life and my estate to serve my country and my religion. They told me, that if I did not pay, I should be put upon an employment of service. I was willing. After ten weeks waiting they told me I was to go with a lord into the Palatinate; and that I should have employment there, and means befitting. I told them I was a subject, and desired means. Some put on very eagerly, some dealt nobly. They said I must go on my own purse. I told them, Nemo militat suis expensis. Some told me I must go. I began to think, what, must I? None were ever sent out in that way. Lawyers told me I could not be so sent. Having this assurance I demanded means, and was resolved not to stir but upon those terms; and, in silence and duty, I denied. Upon this, having given me a command to go, after 12 days they told me they would not send me as a soldier, but to attend on an ambassador. I knew that stone would hit me, therefore I settled my troubled estate, and addressed myself to that service.'

Mr. *Hackwell*. 'This is a great point, that much concerns the common-wealth, if the king cannot command a subject to his necessary service, and on the other side, it will be little less than an honourable banishment to the subject, if he may. Our books say, The king cannot compel any to go out of the realm; and, upon an action brought against him, he cannot plead in bar, that he is by command from the king in foreign service, but the king may give him his protection. 5 Edw. 3 N. 9. in the Parliament-Roll, there was an ordinance, whereby the king had power to send some to Ireland, it was ordained by the sages of the law, that soldiers, where need shall be, though they refuse to go, and excuse themselves, if their excuses be not reasonable, the king may do to them according to right and reason. If the king, by law, could do this of himself, and send them to Ireland, (his own dominion) he would never have taken power from his parliament, and if men do not according to that law, still there is no imprisonment prescribed.'

Sir *Edw. Coke*. 'No restraint, be it ever so little, but is imprisonment; and foreign employment is a kind of honourable ... myself was designed to go to Ireland. I was willing to go, and hoped, if I had ... to have found some Mompessons there ... difference when the party is the king's servant, and when not. In 10 Edw. 3 was the case when the law was in high ... Sir Rd Pembridge was a baron and the king's servant, and warden of the cinque-ports. He was commanded to go to Ireland, and to serve as deputy there, which he refused; he was not committed, but the king was highly offended; and having offices and fees and lands, pro certum tempus, the king seized his lands and offices. I went to the parliament roll, 47 Edw. 3 where I found another precedent for foreign employment; They that have offices pro consilio, or pro certis impensis, if they refuse, those lands and offices so given are seized, but no commitment.'

Sir *Tho Wentworth*. 'If any one owes a man displeasure and shall procure him to be put into foreign employment, it will be a matter of high concernment to the subject we know the honour and justice of the king, but we know not what his ministers or the mediation of ambassadors may do, to work their own malice and resentment upon any man.'

Sir *John Elliot*. 'If you grant this liberty, what are you the better for other privileges? What difference is there between imprisonment at home, and constrained employment abroad? It is no less than a temporal banishment, neither is it for his majesty's service to constrain his subjects to employment abroad; honour and reward invite them rather to seek it; but, to be compelled, stands not with our liberty.'—These debates so engrossed the attention of the commons, that the consideration of the Supply was deferred for two days.

A Message from the King in Vindication of the D. of Bucks. [Parl. Hist. April 5 Mr Secretary Cooke brought the house this Message from the king:

"His majesty having understood that some rumours were spread abroad of a sharp Message, yesterday delivered by me and of some misunderstanding words, that the duke should speak yesterday at the council-board; he commanded me to tell you of the malice of those false reports; for that motion fell from the duke at that board, but what was for the good of the assembly; he would have you to observe the malice of those spirits that thus put in these jealousies. Had the duke spoken, he should have contradicted himself, for all of us of the council can tell that he was the first mover and persuader of this assembly of parliament to the king's esteem of the king according to his actions, and not these tales. His majesty takes notice of our purpose that on Friday we will receive ... his majesty graciously accepts of, and that our free gift, without any condition, should testify to the world, that we will be as far from encroaching upon his prerogative, as he will be to encroach upon our liberties and the ... [illegible]

shall well appear when we present our Grievances to him, and then we shall know that he hath no intention to violate our liberties; only let us not present them with any asperity of words. He counts it his greatest glory to be a King of freemen, not of villains. He thought to have invested me Sheriff himself, but that he feared it would take up too much time."

Then Mr Secretary said he took it not in any unkind or ill sense of his own. Yesterday my master declared his mind and he asked us what we had done. We said, we had intended to take into consideration the matter of Supply, and that the first question started by Finch, and then this was done or not resolved, to join the business of his and our two houses together; that this would further Supply, and be content to the country, and that we were here ready to receive what he should propound. He replied, answered, he could not see why we should any further parley in the business. If they did, I feared the two houses would fall out with me." Then he said, "I will direct you what you may do. You may draw up a Petition to the King, and present it unto him, and rest assured he will give a gracious answer, and leave no room to make a further motion to you in the business. He shall have from us Answer in the House, and hasty expedition to it. Therefore go to it." Upon the report of this Message some stood up, and professed that never heard of any such thing before, or that we were to present Petitions to the King himself. But the most part held it a direct contradiction to the Act. In giving him satisfaction? In giving them assurance which is a great business that he will protect and relieve them. So having them address, they left the greatness of that to really find his own honours. So they concluded to carry themselves as their progenitors before had done, who never were marked to stepping too far on the king's prerogative, and they returned their humble thanks to his majesty.

Resolutions of the Commons relating to the Liberty of the Subject.] This day, Mr Littleton, one of the committee for taking into consideration the Liberty of the Subject in person and estate, which was on Monday last presented the House from their table a report that they proceeded, in their business with such gravity and temper, as it could not but be honourable in the following Resolutions. 1. That no freeman ought to be imprisoned, or detained in prison, or otherwise restrained by command of the King, the privy-council, or any other, unless some cause of the commitment, detainer, or restraint be expressed, for which by law he ought to be imprisoned detained. 2. That no Writ of Habeas Corpus cannot be denied but ought to be granted to every man, that is committed or detained in prison, or otherwise restrained by the command of the King, the privy-council, or any other person whatsoever. 3. That if a freeman be committed, or detained in prison, or otherwise restrained, by command of the King, privy-council, or any other, no cause of such commitment, &c being expressed, and the same be returned upon an Habeas Corpus, granted for the said party, that then he ought to delivered or bailed. 4. That the ancient and undoubted Birthright and Freedom of Englishmen. That he hath a fullsmd absolute property in his goods and estate, and that no tax, tallage, loan, benevolence, or other like charge, ought to be commanded, or levied by the King or his ministers, without common assent of parliament."—All these Resolutions of the committee were unanimously agreed to by the whole House.

Report of the Conference with the Lords on the Liberty of the Subject.] Rushworth has given us the substance of the speeches made by the Conference, appointed to manage a Conference with the lords to induce them to join in a Petition to the King, for ascertaining the Rights and Liberties of the Subject, which was afterwards called the 'Petition of Right.' But this is in the Lords Journals; entered there as a Report made by the lord-president and three other lords, to that house, of what passed at this Conference, which his lordship introduced in this manner.

"My Lords, The conference which was lately held with the lower-house, was about the Liberty of the Subject; and to set this forth there employed four speakers. The 1st was sir Dudley Digges, a man of volubility and elegance of speech: and his part was but the introduction. The 2nd was Mr. Littleton, a grave and learned lawyer, whose part was to represent the Resolutions of the house, and the Grounds whereupon they went. The 3rd was Mr Selden, a great antiquity and a pregnant man; his part was to shew the Law and Precedents in the points. The 4th was sir Edw. Coke, that famous reporter of the law, whose part was to shew the Reasons for all that the others had said, and that it all was but in affirmance of the common law."—Now, to report the first man, sir Dudley; how his words will come off from my tongue, I cannot tell; I shall acquaint you with the matter of them as well as I can. He might spend to begin the conference, and propound, with an observation out of Holy Writ. In the days of good king Josiah, when the land was purged of idolatry, and the great men went about to repair the house of God; whilst moneys were sought for, there was found a Book of the Law, which had been neglected. He was confident, that we would, as cheerfully, join with them in acknowledging God's Blessings in our good king Josiah, as they did. He thankfully remembered your lordship's truly honourable intention of them to the late Petition, for the same, the land from Popish abominations: and, as then, so now, while they were seeking for money, they found, he could not say a book of our laws, but many and fundamental points of the law neglected and broken, and this it caused their desire of a conference. Wherein, he was commanded to shew, That the laws of

England are grounded on reason, more ancient than books, consisting much in unwritten customs, yet so full of justice and true equity, that your most honourable predecessors and ancestors often defended them with a solemn oath; and so ancient, that, from the Saxon days, notwithstanding the injuries and ruins of time, they have continued in most part the same, as may appear in old remaining monuments of the laws of Ethelbert, the first Christian king of Kent; Ina the king of the West Saxons, Offa of the Mercians, and of Alfred the great monarch, who united the Saxon Heptarchy, whose laws are, as he says to that end 'Utpote qui sub uno rege, sub una lege reguntur.' And, though the Book of Fleta thus speaking of the troublesome times of the Danes, says then, 'Jus scriptum erat in regni legibus & consuetudinibus sopitæ sunt; and, prisis temporibus, vis & violentia magis regnabant quam judicum vel justitia.' Yet, by the blessing of God the good king Edward, commonly called the Confessor, did revoken those laws; and, as the old words are, 'excitatas reparavit, & pristinis decoravit, decoratas confirmavit,' which confirmation shews, that good king Edward restored those laws, and did not give them, which William the Conqueror, and all his successors since that time, have sworn unto. As well in those, so even in those Saxon times they had their court-barons, and court-leets, and sheriff-courts; by which, as Tacitus says of the Germans, their ancestors, 'Jura reddebant per pagos & vicos; and I do believe, as we do now, they had their parliaments, wherein new laws were made, cum consensu principum magnatum, & totius communitatis, or as another writes, 'cum consilio prælatorum, procerum & sapientium legeorum.' I will add nothing out of Glanville, that wrote in the time of Hen. 2. or Bracton in the days of Hen. 3. but give me leave to cite that of Fortescue the learned chancellor to Hen. 6. who writing of this kingdom, says, 'Regnum istud in duas nationum & regim temporibus, eo[illegible] nunc regitur, legibus & consuetudinibus [illegible] batur.' But, my good lords, as the poet of Fame, I may say of our common law, 'Its greditur que solo, et caput inter nubila condit.' Wherefore, the cloudy part being mine, I will make haste to open way for your lordships to hear more certain arguments. Be it [illegible] then to know, that it is an undoubted and fundamental point of this so ancient common law of England, That the subject hath a true property to his goods and possessions, which doth preserve as sacred, the meum & tuum, that is the nurse of industry and mother of courage, and without which, there can be no justice of which, meum & tuum is the proper object. But the undoubted birthright of the subject hath [illegible] not a little [illegible] and prejudiced by pressures; the more [illegible] been they have been pursued by [illegible] contrary to the franchises of this land and when, according to the laws and statutes of the realm, redress hath been [illegible]

for [illegible] legal [illegible]; by dem[illegible] just [illegible] judge and a [illegible] according to the law of [illegible] hath [illegible] the [illegible] we suffer [illegible] this [illegible] examine, [illegible] pleas of [illegible] reasons, [illegible] the truth of [illegible] Liberty, which I shall [illegible] demand to argue."

The rest of this Report [illegible] the Lord Coventry, [illegible] cases, records & [illegible] and [illegible] which [illegible]

Mr *Littleton*: "You [illegible] that the commons [illegible] declaration the matter of [illegible] after long debate, they [illegible] such, as their [illegible] pertinent to the [illegible]

That, Hath [illegible] intend, or [illegible] the king [illegible] same [illegible] of the [illegible] resolve [illegible] [illegible] and the [illegible] [illegible] the [illegible] [illegible] [illegible]

be by the law of the land; it is awarded, assented, and established, That from henceforth none shall be taken, by petition or suggestion made to our lord the king, or to his council, unless it be by indictment or presentment of his good and lawful people of the same neighbourhood, which such deed shall be done in due manner, or by process made by writ original at the common law; nor that none be outed of his franchises, office, or free hold, unless he be duly brought to answer, and be rejudged of the same, by the course of the law, and that if any thing be done against the same, it shall be redressed and holden for none. And 28 Edw. 3. ch. 8. it is more direct, that no liberty being thereby warranted by the subject, where the words are not many, but very full and significant, "That no man, of what state and condition he be, shall be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, nor put to death, without he be brought to answer by due process of the law." Several other statutes were cited by him, in confirmation of this point of the Liberty of the Subject.

The king's council afterward made objections to the said argument, yet acknowledged, "That the 7 statutes, urged by the commons, are in force, yet said, That some of them are in general words, and therefore include nothing, but are to be expounded by precedents, and some of them are applied in the suggestion of subjects, and not to the king's command simply of himself, and that 'per communem legem,' in Magna Charta, cannot be construed for process of law and ordinary course of justice in criminal proceedings, no original writ is usual at all, but every constable, either for felony or breach of the peace, or to prevent the breach of the peace, may commit without process or original writ, until it were sent and the king should not have the power of a constable. They also argued, That the king was not bound to express the cause of imprisonment, because there may be in it matter of state, not fit to be revealed for a time, lest the confederates thereupon make means to escape the hand of justice. Besides, that which the commons do say, That the party ought to be delivered or bailed, is a contradiction in itself, for bailing doth signify a kind of imprisonment still; delivery is a total freeing and loosing; bailing is a grace or favour of a court of justice, and they may refuse it."

To this it was replied, "That the statutes were direct in point; and though some of them speak of suggestions of the officers, yet they are, in equal reason, a commitment by command of the king, as when the king taketh notice of a thing himself. And for the words, per legem terræ, original writs only are not intended, but all other legal processes, which comprehendeth the whole proceedings of the law upon cause other than trial by jury; and the course of the law is rendered by due process of the law; and no man ought to be imprisoned by special command without indictment, or other due process to be made by the law. And, whereas, it is said, there might be danger in revealing the cause; that may be avoided, by declaring a general cause; as for treason, suspicion of treason, misprision of treason, felony, without expressing the particulars; which can give no greater light to a confederate, than will be conceived upon the very apprehension or upon the imprisonment, if nothing at all was expressed. And as for bailing the party committed, it hath ever been the discretion of the judges to give such respect to a commitment, by command of the king or privy-council, which are ever supposed to be done in just and weighty cases; that they will not add only this to free, but bail them to answer what shall be objected against them, on the king's behalf; but if any other inferior officer do commit a man without shewing cause, they do instantly deliver him, as having no reason to expect their leisure; so that delivery is applied when the imprisonment is by command of some mean minister of justice, and bailing, when by command of the king or his council: and though bailing is a grace and favour of the court in case of felony and other crimes, for that there is another way to discharge them, in a convenient time, by their trial; yet where no cause of imprisonment is returned, but the command of the king, there is no way to deliver such persons, by trial or otherwise, but that of the Habeas Corpus; and if they should be then remanded, they might be perpetually imprisoned without any remedy at all: and, consequently, a man that had committed no offence, might be in a worse case than a greater offender, for the latter should have an ordinary trial to discharge him: the other should never be delivered."

Mr. Selden. "Your lordships have heard, from the gentleman that spoke last, a great part of the grounds upon which the commons, upon mature deliberation, proceeded to that clear Resolution, touching the Right of the Liberty of their Persons, the many acts of parliament which are the written laws of the land, and are expressly to the point, have been read and opened; and such objections as have been, by some, made unto them, and objections also made out of other acts of parliament, have been cleared and answered. It may seem now perhaps, that little remains needful to be further added, for the enforcement and maintenance of so fundamental and established a right and liberty belonging to every freeman of the kingdom. The commons taking into consideration that in this question (being of so high a nature, that never any exceeded it in any court of justice whatsoever) all the several ways of just examination of the truth should be used; have also most carefully informed themselves of all former judgments or precedents concerning this great point either way, and have been no less careful of the due preservation of his majesty's prerogative, than of their own right. The precedents here are of two kinds; either merely matter of record, or

else the formal resolutions of the judges, after solemn debate in the point.—This point that concerns Precedents, the commons have commanded me to present to your lordships, which I shall, as briefly as I may, as I do it, faithfully and perspicuously to that end, my lords, before I come to the particulars of any of those precedents, I shall first remember to you, that which will seem as a general key for the opening and true apprehension of all those on record, without which key no man, unless he be versed in the entries and course of the king's bench, can possibly understand. In all cases, my lords, where any right or liberty belongs to the subject by any positive law, written or unwritten, if there were not also a remedy by law for enjoying or regaining of this right or liberty, when it is violated or taken from him, the positive law were most vain, and to no purpose; and it were to no purpose for any man to have any right in any land or other inheritance, if there were not a known remedy, that is, an action or writ, by which, in some court of ordinary justice, he might recover it. And in this case of right of Liberty of Person, if there were not a remedy in the law for regaining it when it is restrained, it were to no purpose to speak of laws that ordain it should not be restrained. The writ of Habeas Corpus, or Corpus cum Causa, is the highest remedy in law for any man that is imprisoned; and the only remedy for him that is imprisoned by the special command of the king, or the lords of the council, without shewing the cause of commitment; and if any man be so imprisoned by any such command, or otherwise whatsoever through England, and desire, by himself, or any other in his behalf, this writ of Habeas Corpus for the purpose in the court of king's bench, that writ is to be granted to him, and ought not to be denied, and is directed to the keeper of the prison, in whose custody the prisoner remains, commanding him, That after a certain day he bring in the body of the prisoner, cum causa detentionis, and sometimes cum causa captionis; and he, with his return, filed to the writ, bringeth the prisoner to the bar at the time appointed, and the court judgeth of the sufficiency or insufficiency of the return; and if they find him bailable, committitur marescallo, the proper officer belonging to the court, and then afterwards traditur in ballium. But upon the return of the Habeas Corpus it appear to the court, that the prisoner ought not to be bailed, nor discharged from the prison whence he was brought, then he is remanded and sent back again, to continue till by due course of law he may be delivered, and the entry of this is, 'Remittitur quousque secundum legem deliberetur fuerit, or, remittitur quousque,' &c. which is all one, and the highest kind of judgment that ever was or can be given in a Habeas Corpus.—Your lordships have heard the Resolution of the commons, touching the enlargement of a man committed by command of the king or privy council, or any other, without cause shewed: such commitment; which Resolution, as it is grounded upon acts of parliament already shewn, (the reason of the law of the land being committed to the charge of another to open unto you) so it is strengthened by many precedents of records." He then produced 12 precedents, full and directly in the point, to prove that persons so committed, ought to be delivered upon bail; which were distinctly opened and read to the lordships. Then he also offered to their consideration other kind of precedents, which were solemn resolutions of judges things not of record but yet remaining in authentic copies; which precedents and authorities were omitted for the length thereof.—He then proceeded and said, "The commons (desiring with all care to inform themselves fully of the truth of the Resolution of the judges in the 34th year of the late queen, cited in the case of Sir J. Heveningham, by the king's counsel, as argument against his not being bailed) have got into their hands a book of select cases, collected by the reverend learned judge, chief justice Anderson, all written with his own hand, which he caused to be read. These precedents, said he, do fully resolve for the maintenance of the antient and fundamental point of Liberty of the Person, to be regained by Habeas Corpus when any one is imprisoned."—Then he concluded, "That having thus gone through the charge committed to him by the commons, he should now, as he had leave and direction given him, leave their lordships should be put to much trouble and expence of time, in finding and getting copies at large of those things which he had cited, offer also to their lordships authentic copies of them all; and so left them, and whatever else he had said, to their lordships mature consideration."

Sir *Edward Coke* "Your lordships have heard 7 acts of parliament in point, and 31 precedents summarily collected and with great understanding delivered, which I have perused, and find first and last all thoroughly. 12 of the precedents are in terms *in terminis* with a whole jury of precedents, and all in the point. I am transported with joy, because of the hope of good success in this weighty business: your lordships being so full of justice, and the very case and subject both promise success, which was *corpus cum causa*, the freedom of an Englishman, not to be imprisoned without cause shewn; which is my part to shew, and the reason and the cause why it should be so, therein I will not be prolix, for to gild gold is needless and superfluous."—After that he had cleared some doubts made of the Statute of Westminster, which saith, 'That the sheriff, and others, in the case [illegible] not [illegible] men to prison,' he proceeded further and said, "The [illegible] those [illegible] officers [illegible] to vote in this last conference, are of a double nature: 1 Acts of parliament, 2 Judicial precedents. For the first I hold it [illegible] for [illegible] to [illegible] and [illegible] my lords spiritual, gave your as-

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... to those ... his ...
... cannot ... out cause ...
... where ... villeins, that ...
... ab ... wh they are ...
... imprisoned, with-
... it be go ... a bond-man, tha ...
... gative) the present ... a man; but is indeed a ...
... this point. 3. It is ... man, ... man. Imprisonment is ...
... with a strong axiom, ... w a ci ... perdit domum, tumul' ...
... tiorem ... legibus. N ... vicin ... pectum, and is to live among ...
... being ... well pressed to ... and wicked men, malefactors, and ...
... colt ... ues, I think you ... what ... the like. And that death and imprisonment ...
... part may be: it is short but ... it is ... are the same, he proved by an argument ...
... Reason of all those Laws and Precedents; and ... effects, because they both produce the like immediate effe ... he quoted a book for this; ...
... reason must needs be welcome to all men: for ... a man be threatened to be killed, he may ...
... all men are not capable of understanding the ... avoid feofment of lands, gifts of goods, &c. ...
... law, but every man is capable of reason. And ... So it is if he be threatened to be imprisoned, ...
... these reasons I offer to your lordships, in affirm- ... the one is an actual, the other a civil death. ...
... ance of the antient laws and precedents made ... And this is the first general argument, drawn ...
... for the liberty of the Subject, against Impri- ... a re ipsa, from the nature of imprisonment, in ...
... sonment, which I will here use expressed. 1 A re ipsa. ... which res ipsa conclusum debit.'—The second ...
... 2 A minori ad majus. 3 From the ... general Reason he took from his books; 'For, ...
... remedies provided. 4 From the extent and ... he said, he had no law, but what, by great ...
... universality of the same. 5 From the indefi- ... pains and industry, he learned at his leisure ...
... finiteness of the time. 6 A fine.—The first ge- ... for, ... ten years of age, he had no more le- ...
... neral reason is, A re ipsa, even from the na- ... than other men of like age. And this se- ...
... ture of imprisonment, ex visceribus causæ, for ... cond reason is, à minori ad majus. He took ...
... I will speak nothing but all liberty, be it close ... it from Bracton, 'Minima pœna corporalis est ...
... or other imprisonment, and this argument is ... major quibuscunque pecuniaria.' But the king him- ...
... threefold. 1 Because an imprisoned man upon ... self cannot impose a fine upon any man, but ...
... will and pleasure, is a 1 A bond-man. 2 ... it must be done judicially by his judges, per ...
... Worse than bond-man. 3 Not so much ... justiciarios in curia, non per regem in camera, ...
... as a man, for mortuus homo non est homo, ... and so it hath been solved by all the judges ...
... a prisoner is a dead man. 1 No man can ... of England. He quoted 11 R. II. The third ...
... be imprisoned upon the will and pleasure of ... general Reason is taken from the manifold ...
... any, but he that is a bond-man and villein ... diversity of remedies, which the law giveth ...
... for that imprisonment and bondage are pœna ... against imprisonment, viz. Breve de Homine ...
... quarto modo, and the Species are constituted ... replegiando, de habeas & alia, de Habeas Corpus, ...
... whosoever can lend me money be empowered ... or appeal of imprisonment. Brevis de ...
... upon will and pleasure to imprison me, may ... Exceptione. The two latter of these are ...
... be imprisoned, upon will and pleasure, is a ... antiquated, but the writ de habeas & alia is ...
... bond-man. 2 If Freemen of England might ... revived, for that was given by the statute of ...
... be imprisoned at the will and pleasure of the ... Magna Charta cap. 29 and by statute of 4 ...
... king, it has commandment, then were they in ... Edw. 3. it is declared, that all statutes made ...
... worse case than bond-men or villeins, for the ... against Magna Charta are void. Now ...
... lord of a villein cannot command another to ... how would never have given so many remedies, ...
... imprison his villein without cause, as of the ... if the freemen of England might have been ...
... obedience or refusing to serve, as it is agreed ... imprisoned at will and pleasure. The fourth ...
... in the Year-Books.'—And here he cited, 'That ... general Reason is from the extent and uni- ...
... no man should be bound nor taken, he said, ... versality of the pretended power to im- ...
... out of the books or records. He said, he ... prison; for it would extend not only to ...
... would prove a freeman imprisoned upon ... commons of this realm, and their posterity, ...
... command or pleasure without cause expressed, ... but to the lords of the land, and their pos- ...
... to be as unlawful as a worse case than villein, ... terity, to the bishops and clergy of the ...
... and if he did not make the plain, he could ... realm, and their successors. And he gave a ...
... their lordships not to believe him in any thing ... reason why the commons came in their birth- ...
... else, and then produced two Book-Cases, 7 ... right, 'Communi periculum commune requirit ...
... Edw. 3. A prior had commanded one to im- ... remedium.' Now, it reacheth to all persons, ...
... prison his villein, the people were ready to ... what condition or sex, or age, soever; to ...
... bail him, till he produced an obligation that he ... judges and officers, whose attendance is ne- ...
... refused to be bailed by his prior, and the ... cessary, &c. without exception; and therefore ...
... people did the like. 8 and 9 Edw. 3. Title ... imprisonment in such extent, without re- ...
... Trespass 344. in Time Imprisonment. It ... medy or satisfaction.—The 5th general Reason ...
... was of an abbot who had commanded to ... is drawn from the inconveniences of the time: ...
... take and detain [illegible] ... [illegible] ... [illegible] ...

hard. To cast a man into prison, nay, to close prison, and no time allotted for his coming forth, is a hard case, as any man would think that had been so used. And here he held it an unreasonable thing, that a man had a remedy for his horse or cattle, if detained, and none for his body thus rude illimitedly imprisoned, for a prison, without a prefixed time, is a kind of hell.—The 6th and last argument is, 'A Fine;' and 'sapiens incipit a fine,' and he wished he had begun there also. This argument he made threefold. 1 Ab honesto. This being less honourable. Ab utili. This being less profitable. A tuto. This imprisonment, by will and pleasure, being very dangerous for the king and kingdom.' 1 Ab honesto. It would be no honour to a king or kingdom, to be a king of bondmen or slaves; the end of this would be both ruinous & dishonourable, both to king and kingdom, that in former times hath been so renowned. 2 Ab utili. It would be against the profit of the king and kingdom, for the execution of those laws before remembered, Magna Charta. 5 Edw. 3. 25 Edw. 3. 14 Edw. 3. whereby the king was inhibited to imprison upon pleasure. You see, quoth he, that this was verus querela, an old question; and now brought in again, after seven acts of parliament to say, the execution of all these laws are adjudged in parliament to be for the common profit of the king and people, and he quoted the Roll, 'This pretended power being against the profit of the king, can be no part of his prerogative.'—He was pleased to call this a bindm. reason, and to say, 'That there is [illegible] man could not answer it; that great men kept this Roll from being printed, but that it was equivalent in force to the printed Rolls. 3. A tuto. It is extremely dangerous to the king for two respects, 1, of loss; 2, of destroying the endeavours of men. First, if he be a man without an expression of the cause, though he escape, albeit in truth it were for treason or felony, yet this escape is neither felony nor treason, but a the cause be expressed for suspicion of treason or felony, then the escape, though it be innocent, is treason or felony. He quoted a case in point like a reason of the law, not like a remittitur at the rising at the court, for the prisoner traditur in ballivam, quod breve nou fuit sufficiens causa; i. e. the king's command. He quoted another famous case. The commons in parliament, incensed against the duke of Suffolk, desire he should be committed the lords and all the judges, whereof those great worthies, Prescot and Fortescue, were two, delivered a flat opinion, That he ought not to be committed without an especial cause. He questioned also the name and etymology of the writ in question, corpus cum causa, ergo, The cause must be brought before the judge, else how can he take notice thereof? [illegible], he pressed a place in the gospel, Acts 25. last verse, where Festus conceives it an absurd and unreasonable thing, to send a prisoner to a Roman emperor, and not to write along with him the cause alledged against him. send,

the [illegible] no man a prisoner, with [illegible] his cause [illegible] with him, [illegible] and that was [illegible] case, a truth, but it was not safe for the king, in regard [illegible], to come to a man without a cause.—The 2nd reason is, That such a minute is to decide [illegible] all men. Who will [illegible] to any place, [illegible], or of any friend known [illegible] at will of his liberty? for no man at will will support or maintain any thing, because he hath not certain estate; ergo, to make men tenants at will of their liberties destroys [illegible], and endeavours shall [illegible]. And a man here cites six principal Reasons,

Taken { A re ipsa / A malum ad injus / A remedio / From the Law and University. / From the Indefiniteness of the Time / Vane. } Loss of { Honour. / Profit. / Security. / Industry.

The [illegible] were here [illegible]. He [illegible] made another protestation, 'That if [illegible] had given in this case, they would not have mingled therewith by no means, but now that records being not at hand in the [illegible]-bench, with not looking back upon any thing that had been done or omitted, that [illegible] the provision for the future ones.' And here [illegible] occasion to add 4 Book-Cases and authorities, all in the point, saying, That in the learned counsel on the other side, concerning the one against the liberties, [illegible] person, Oh! how they would hug and [illegible] 6. Tit. Monstrance de Fait, fol. 82 by the whole court, the king in his presence cannot command a man to be arrested, but a [illegible] false imprisonment both [illegible] arrested at not the king in [illegible]. then none others can do [illegible] ad astra. 20 Hen. 6. 4. Hussey reports the opinion of Markham, chief-justice to Edw. 4 that he could not imprison by [illegible] the reason, [illegible] remedy; for the law leaves every man remedy of causeless imprisonment [illegible], that Markham was a worthy judge, much beloved [illegible] Fortescue, chap. 13. [illegible] gum [illegible] imprisonment, &c. 4. Eliz. a blessed queen, renowned [illegible] religion, Pl. [illegible]. The common law hath so admeasured the [illegible] prerogative, as he can not prejudice [illegible] in his right; and the great [illegible] liberty, is the Liberty of his [illegible]. [illegible] are necessary to it, for this he quoteth the Orator, Major Iuratus, sent unto Pope [illegible], [illegible] point. And [illegible] point, how he [illegible] objections, [illegible] in point of state. 2nd in the course held by the commons [illegible] not [illegible] shewed, [illegible] state [illegible] secrecy

Printed and published by the Union Parliamentary Debates Association

required? would not this be an hindrance to his maj.'s service? *Answ.* 'It can be no prejudice to the king as to matter of state, for the cause must be of higher or lower nature. If it be for suspicion of treason, misprision of treason, or felony, it may be by general words couched, if it be for any other thing of smaller nature, as contempt, and the like, the particulars must be specified in the warrant of individuum vagum, or uncertainty.' 2 *Obj.* 'If the law be so clear as you make it, why needs this declaration and remonstrance in parliament?' *Answ.* 'The subject hath in the case sued for remedy in the king's bench, by Habeas Corpus, and found none, therefore it is necessary to be cleared in parliament.'—Here sir Edward Coke omitted his discourse and the Lords gave a recapitulation of all that had been objected unto their lordships, That generally their lordships had been advised by the most faithful counsellors that can be, viz. dead men, these cannot be daunted by fear nor muzzled by affection, reward, or hope, or preferment, and therefore your lordships might safely believe them; particularly, their lordships had 3 several kinds of proofs. 1 Acts of Parliaments, judicial precedents, good reasons. 1. You have had many antient acts of parliament in the point, besides Magna Charta; that is, 7 acts of parl. which indeed are 37, Magna Charta being confirmed 30 times, for so often have the kings of England given their royal assent thereunto. 2. Judicial precedents of grave and severead judges, in terminis terminantibus, that long since departed the world, and they were many in number. Precedents being 12, and the judges 4 of a book, made 4 times 12, and that is 48 judges 3. You have, as he termed them, vivulas rationes, manifest and apparent reasons. Towards the conclusion, he declared, That they of the commons have, upon great study and serious consideration, made a clear and manifestation unanimously, nulla contradicente, concerning this great Liberty of the Subject and have vindicated and recovered the book of the fundamental liberty, both their lordships and themselves, from shadows, which some times of the day, are long, sometimes short, and sometimes long again, and therefore we must not be guided by shadows and they have transmitted to their lordships not capita rerum, heads or briefs; for these compendia are dispendia, but the Records at large, in terminis terminantibus.' And so he concluded "That their lordships are involved in the same danger, and therefore, ex congruo & contiguo, they desired a conference, to the end their lord hips might make the like Declaration as they had done, 'commune periculum commune requirit auxilium,' and thereupon take such further course, as may secure their lordships and them, and all their posterity, in enjoying of their antient, undoubted, and fundamental liberties."

April 9. After the foregoing Report was made, the lords took into consideration the business sent up by the commons, touching their antient Liberties; and after some debate it was agreed to hear the king's learned counsel the morrow, what they could say on the king's behalf, relating to the claim of the commons against him. The arguments made use of by the attorney general, assisted by others of the king's counsel, which we find, by the Journal, lasted two days, are not entered there, nor are they mentioned by Rushworth. What we find in the former authorities, is, That when Mr. Attorney had done, the judges of the king's bench, and the rest of the judges in town were ordered to be sent for to take their opinions in this great affair and particularly to declare what the judgment was in the king's bench, which the commons complained of. But we shall leave this affair for the present time to return to the house.

Debate on the King's Message to hasten the Supply.] April 4. The Supply was again taken into consideration. It was introduced by a Message from the king, delivered by secretary Cooke, to the effect "His maj hath again commanded me to put you in mind, how the eyes and interest of the Christian world are cast upon the good or ill success of this assembly. He also graciously taketh notice of that which is in agitat on amongst us, touching the freedom of our Persons, and Property of our Goods: and that this particular care (which he no way mislikath, may not retard our resolution for the general good, he willeth us chearfully to proceed in both, and to express readiness to supply his great occasions; upon assurance that we shall enjoy all our rights and liberties, with as much freedom and security in his time, as in any age heretofore, under the best of our kings and whether we shall think fit to secure ourselves herein, by way of bill or otherwise, so as it be provided for with due respect of his honour and the public good, which he doubteth not but that we will be careful) he pronuseth, and assureth you, that he will give way unto it; and the more confidence you shall shew in his grace and goodness, the more you shall prevail to obtain your desires."—Hereupon,

Sir *Benj. Rudyard* spoke as follows:* "The dangers and necessities of our present state, Mr Speaker, are so obvious to every man's eye and understanding; and therefore so well known, as to make a large and particular rehearsal of them would rather astonish our judgments, than refresh our memory wherefore, in short and in gross, I will only reflect on the desperate condition of the king's uncle, the king of Denmark; engaged from hence, (to the inward of his own kingdom) in the quarrel of that royal and gallant lady his majesty's sister, for the recovery of her and her children's patrimony, with the preservation and re-establishment of our religion in those countries; that the king is bound in nature, in policy, and in religion, to relieve and assist both the persons and the cause to the utmost of his

* Taken from a MS. in the Harleian Library.

look a … third …
find the … gain … our …
the fury … enraged king …
truce against them than hath … me
heretofore: besides, which is worst, the … ny
of Spain and France are united against …
and us, and made better friends than ever they
meant to have been: so that, out to succour
and support the professors of … religion, will
not only be infidelity and cruelty, but improvidence and folly; for their ill is ours. If Rochelle should be lost, which is now losing, and
his maj. not able to set out one ship to help
it, it it should be lost, it would hinder the
total exemption of the religion; besides, it
would be an extraordinary advantage to the
king of France for shipping, and as great a disadvantage to us in respect of his neighbourhood. and if the Sound should be lost too, how
should we escape from being swallowed up by
a Spanish invasion? This island would be more
like a prison than a kingdom, for we should not
then be able to walk abroad. These are dangers too many, yet have I willingly abridged
them; for I had rather come to the remedy,
and so should we all this consists only in money, plentifully and speedily brought in, wisely
and judiciously laid out. I doubt not but we
are all resolved to give wherefore let us prepare ourselves to give plentifully, to satisfy the
public occasions, and to move his maj. out of
necessity, for necessity is the worst counsellor,
and I shall be very sorry that we, of all others,
should be guilty of placing such ill counsel
about the king and now to think of sparing,
when all lies at the stake, were the most undoing kind of frugality. Let us give speedily,
for delay is the greatest danger of all dangers:
it will not only lose that which we give, but
that also which we would give. And this I
propound, not as the king's business, but our
own, wherein every man in this house hath
particular interest; if his fortune, his life, his
religion, be any thing unto him. Neither
speak I this to divert the great business in
hand, but to hasten it, for I love as well Mr
Speaker, to tread upon English ground, as any
man here doth.'

Mr. *Pym*. 'In business of weight, dispatch is
better than discourse: we come not hither without all motives, that can be, towards his majesty
had he never sent in this message: we know
the danger of our enemies, we must add expedition to expedition; let us forbear particulars. A man in a journey is hindered by asking
too many questions I do believe our peril as
great as can be, every man complains of it,
and that doth encourage the enemy Our
way is to take that which took away our estates;
that is, the enemy to give speedily is that
which the king calls for. 'A word spoken in
season is like an Apple of Gold set in Pictures

… than
… sup-
… some
… s
… maj:
… acquaint
… to the
… subsidies;
'By how
… I said,' But
by one … 'How many were
against the … ; for they were
voted by an … general consent.'
His maj. was much offended therewith, and
called the lords to council: and there I gave
them an account of what had passed: besides
it gave … maj. no small content, that although
5 Subsidies be inferior to … wants, yet it is the
greatest gift that ever was given in parliament;
and now he sees, that with this he shall have
the affections of his people, which will be
greater to him than all value. He said, 'He
liked parliaments at first, yet since, (he knew
not how) he was grown to a distaste of them;
but was now where he was before; for he loves
them; and shall rejoice to meet with his people often. That this day he had gained more
reputation in Christendom, than if he had won
many battles' And to secure our further fear,
and to create fair her confidence, he assureth
us, that we shall enjoy as great immunities in
his time, as ever we did possess, or had, under the reign of any the best kings of this
realm.'

Mr Secretary at the same time acquainted
the house, that upon his informing the king of
their grant of 5 Subsidies, the duke of Buckingham addressed himself to his majesty at the
council-table, as follows

"Sir; Methinks I now behold you a great
king, for love is greater than majesty the
opinion that the people loved you not, had almost lost you in the opinion of the world: but
this day makes you appear as you are, a glorious king, loved at home, and now to be feared
abroad This falling out so happily, give me
leave, I beseech you, to be an humble suitor to
your majesty, for myself, that I, who have had
the honour to be your favourite, may now give
up that title unto them, they to be your favourites, and I to be your servant. My end
suit is, that they having done all so well, you
will account of them all as one, and of many
members, but all of one heart Upon it might
have made them differ, but affection did move
them all to join with like love in this great gift;
for the proportion, although it be less than your
occasions may ask, yet it is more than ever, subject did give to so slender a time nor, I am persuaded, will it rest there, for this is but an
earnest of their affections, to let you see, and
the world know, what subjects you have, that
when you honour, and the good of the state is
engaged, and … in the ordinary way of
parliament, you cannot want … this is not a

Printed … at the … over … on the … Gate, Holborn, Ch…

gift of [illegible]
ame [illegible]
This [illegible]
effe[illegible]
from [illegible]
[illegible]ation
questi[illegible]
will be [illegible]
that h[illegible]
to ask [illegible]
out go[illegible]
yourse[illegible]
their tr[illegible]
perform[illegible]
with a [illegible]
as it w[illegible]
humens[illegible]
by th[illegible]
not ha[illegible]
approa[illegible]
divers o[illegible]
church and [illegible]open
my heart, and to use my [illegible]ion to
pardon me a word more. I [illegible]have
long lived in [illegible], sleep[illegible]no
rest; favours and fortune[illegible], such
base [illegible]been [illegible]
man of separa[illegible]
his people, and then from [illegible]
shall appear [illegible]
that would have made me the evil spirit that
walketh between a good master and [illegible]
people, by ill offices, whereas, by your majesty's favour, I shall ever endeavour to approve myself a good spirit, breathing nothing but the best services to them all. Therefore this day I account more blessed to me than my birth, to see myself able to serve them, to see you brought into love with parliaments, to see a parliament express such love to you; and God so love me and mine, as I joy to see this day.*

Sir J. Elliot resents the D. of Bucks Speech.] Mr. Sec. Cooke also at this time, repeated the substance of the king's Answer to the Petition of both houses concerning Recusants, pursuant to his majesty's order. This being done,

Sir *John Elliot* stood up and spoke as follows.* 'I presume we have all received great satisfaction from his maj. as at other times, so now in his gracious Answer and Resolution for the business of this house, his Answer to our Petition for Religion so particularly made, his Resolution in that other consideration of framing the point, already settled here, in declaration of our liberties, and for the parliament in general, that he hath taken so good a likeing to our manner of proceeding, as it hath gained his promise thereof to meet us often, whereby I am confident, as I suggested to us, so of our loyalties, that to this good a beginning we shall add so happy a continuation, as shall increase that [illegible]

* From Sir Ephraim Fen's Parliamentary Journal, collated by the MS

[illegible], and from henceforth make him more and [illegible] in love with parliaments. As this [illegible] said, so in my own particular, I receive so great satisfaction herein, that I have not words enough sufficiently to utter it. And yet, I confess, that extremity of joy is not without trouble, which must likewise be declared, to distract this affection, which cannot, otherwise, so freely and so faithfully, express my devotion to the service of this house, as I had resolved. I know not by what fatality or infortunity it is crept in, but I observe, in the close of Mr. Secretary's relation, mention made of another addition to his maj.; and that which hath been formerly a matter of complaint, I find here still a mixture with his maj. not only in the business but in name. Is it that any man receives the mention of others, of what quality soever, can add encouragement or affection [illegible], in our duties and loyalties towards his [illegible] or give them greater latitude or extent [illegible] naturally they have? Or is it supposed, that the power or interest of any man can add more readiness to his maj. in his gracious inclination towards us, than his own goodness gives him? I cannot believe it. And as the sweetness and piety of his maj. which we have in admiration, make me confident in this, so the expression of our duty, so perspicuous and clear as already hath been given, is my assurance for the other. But, sir, I am sorry there is occasion that these things should be argued, or this mixture, which was formerly condemned, should appear again. I beseech you, sir, let it not be hereafter; let no man take this boldness within these walls, to introduce it; though, I confess, for my own particular, I shall readily commend, nay, thank that man whose endeavours are applied to such offices as may be advantageable for the public, yet in this manner, so contrary to the customs of our fathers and the honour of our times, as I cannot, without scandal, apprehend it; so I cannot, without some character or exception, pass it. And therefore I desire that such interposition may be let alone; and that all his majesty's regal and goodnesses, towards this house, may spring out of and from his condescent of our loyal and faithful affections. Now let us proceed to those things that concern him; which I doubt not in the end, will render us so real unto him, that we shall need no other help to endear us to his favour.'

Although it is expressly said before, in Rushworth, that the commons voted a Supply of 3 Subsidies on the 4th of April; there is not one word of it mentioned in the Journals, till several days after, the house seeming to be busy in preparing their 'Petition of Right,' which, they were resolved, should go hand in hand with the other. And, it seems very probable, that no such vote was yet passed, by what follows in the Collection, which now exactly coincides with the Journals of the commons.

10, Mr. Sec. Cooke delivered this message from the king, 'That his maj. desired this house not to make any Recess these Easter holidays, that the world may take notice, how earnest his maj. and we are for the public affairs in Christendom, which, by such a recess, would receive interruption.' This message for non-recess, was not well pleasing to this house.

Sir *Rob. Philips* first resented it, and took notice, 'That in 12th and 18th Jac. upon the like intimation, the house resolved it was in their power to adjourn or sit thereafter, said he, this may be put upon us by princes of less piety. Let a committee consider hereof, and of our right herein, and make a declaration.' Accordingly this matter, touching his majesty's pleasure about the Recess, was referred to a committee, who were to consider the power of the house to adjourn itself, to the end, that it being now yielded unto in obedience to his maj. it might not turn to prejudice in time to come.

Sir *Edw. Coke.* 'I am as tender of the privileges of this house as my life; and these are the heart-strings of the commonwealth. The king makes a prorogation, but the house adjourns itself. The commission of adjournment we never read, but say, 'This house adjourns itself.' If the king write to an abbot for a corody, for a valet, if it be entered, though the abbot yields to it, it binds not. Therefore I desire that it be entered, that this is done *ex rogatu regis.*'

Hereupon a Message was sent to the king That the house would give all expedition to his majesty's service, notwithstanding their purpose of recess. To which message, his maj. returned this Answer, that the motion proceeded from himself, in regard of his engagement to the affairs of Christendom, that he wished them all alacrity in their proceedings, and that there be no recess at all.

Further Debate on the Supply.] April 11 Mr Sec. Cook moved the expediting of Subsidies, and turning of the votes into a bill. 'We have many petitions to the king, said he, and they are petitions of right. We have freely and bountifully given 5 Subsidies, but no time is appointed, and subsidy without time is no subsidy let us appoint a time.'

Sir *Dudley Diggs.* 'We have fairly concluded our liberties, we have offered a Subsidies; his majesty hath given us gracious answers; we have had good by our beginnings; what have we hitherto done for the king? nothing is done that the king can take notice of. The world thinks that this parliament hath not expressed that resolution that it did at first How much doth it concern the king, that the world be satisfied with his honour? Our success and honour is the king's. Princes want not those that may ingratiate themselves with them, by doing ill offices. There is a stop; and never did a parliament propound any thing but it hath been perfected sooner than this is. May not the king say, 'What have I done? They grow cold. Have I not told them I will proceed with as much grace as ever king did? He will settle our properties and goods. Have we not had a gracious answer. Are we limb in hand for his supply? Shall it be said that this day it was moved, but denied? It may put our whole business back wherein 'can this disadvantage us? I dare say, confidently, we shall have as much favour from his maj as ever any subject's had from their king.'

Sir *Tho. Wentworth.*] 'When we set down the time, let us be sure the subjects liberties go hand in hand together, then to resolve of the time, but not report it to the house, till we have a round, and a bill for our liberties: this is the way to come off fairly, and prevent jealousies.' Hereupon the committee of the whole house resolved, That Grievances and Supply go hand in hand.

Another Message from the King to hasten the Supply.] April 12 Mr Sec. Cooke delivered another Message from the king, viz.*

'His maj. having given timely notice to this house, as well of the pressure of the time, as of the necessity of Supply, hath long since expected some fruit of that which was so happily begun, but finding a stop they add all expectation, may beyond all example, after so good beginning, he hath commanded me to tell you, That, without any further or unnecessary delay, he would have you to proceed in his business; for, however, he hath been willing that his affairs and ours should concur and proceed together, yet his meaning was not, that the one should give interruption to the other; nor the time to be spun out upon any pretence, to hinder that resolution, upon which the common cause of this kingdom, and even, of all Christe doin doth so much depend he bids us, therefore, take heed, that we torce not him (by our tedious and unnecessary delays to make an unpleasing end of that which was so well begun'—I will discharge my duty. I humbly desire this house, not to undervalue or overstrain this Message; if we conceive any thing in it to tend, as if his maj threatened to dissolve this parliament, we are deceived; his maj. intends the contrary, and to put us in such a way, that our business may have speedy success.' His maj. takes notice of a peculiar order, whereby he conceived, that his business was excluded, at least for a time; and that which doth most press his maj. is time I believe the affairs now in hand press his majesty's heart more than us. Let us remove delays that are more than necessary; let us awaken ourselves; he intends a speedy dispatch I must, with some grief, tell you, that notice is taken, as if this house pressed not only upon the abuses of power, but upon power itself; this toucheth the king, and us who are supported by that power let the king hear of any abuses of power; he will willingly hear us; and let us not bend ourselves against the extention of his royal power, but continue our-

* From Sir John Napier's MS

Commons to their
to the king's Me-
by Secretary

of parliament
buted, in the
their antient
ees before mat-
nevertheless,
ake from t
proceedings,
the Supply, as far as we
in that
IV. Thus we have
Being, that, postponing the
Grievances of the nation,
precedency to the Supply;
the fundamental rule
the kingdom, that give subsistence
VI. Further to express the
loyalty and affection to the
exercised our order in that par-
the Supply, which, though
yet hath been first made
in the committee VI.

* These [illegible] are mentioned in Rushworth's Collections, but are supplied from the Journals of the House of Commons.

[illegible] at the [illegible]

can be greater lovers of, tain, the sacred rights crown, than we and we taming of the fundamentalties of the subject as an establish the glory of a monarch his subjects are the better to do service; which hath been of many glorious victories, above other kingdoms of and greater number of people. VII. The information is given to us contrary to this, hath proceed from such as, to serve their own ends, and to the end of advancing his majesty's prerogative, do, in fact, weaken the royal power. VIII. We trust to be cleared in his majesty's judgment, that there hath been no undue course, but a most cheerful proceeding in the most equal Supply and therefore we humbly desire that his maj. will take no information, in this, or any other business, from private relations, but to judge of our proceedings by such resolutions as shall be presented to his majesty from this house. IX. Being thus rightly and graciously understood, we assure ourselves that the end of this parliament shall be more happy than the beginning."

The Speaker's Speech to the King, on presenting the Petition against Billeting of Soldiers.] In pursuance of these Instructions the Speaker introduced the Petition of the Commons to the King, relating to the Billetting of Soldiers, with the following speech,[1] on the 11th of April, being Easter-Monday.

"Most gracious and dread sovereign; Your dutiful and loyal commons here assembled, were lately humble suitors to your majesty for access to your royal presence, the occasion that moved their desires herein, was in particular of no mean nature, namely your princely consideration, and relief, in it well deserves, should have been the only subject of my speech at this time.—But since your gracious Answer for this access, obtained by a Message from your maj.; they have had some cause to doubt, that your majesty is not well satisfied with the manner of their proceedings, as their hearty desire is you should be, especially in that part which concerns your maj.'s present Supply, as if, in the prosecution thereof, they had used some undue course.—And, because no unlawful piece of this can particularly with that think may proceed from a misunderstanding in our maj. of their clear and loyal intentions, they have commanded me to attend your majesty with humble and submiss declaration of their proceedings, since the first time of their sitting, which they hope will give your majesty abundant satisfaction that never people did more truly desire to be rendered in the favour and gracious opinion of their sovereign, and withal to let your majesty see, that as you can have no where more faithful counsel, so your great designs and occasions can no way be so speedily or heartily supported, as in this old and antient way of parliament.—For this purpose they humbly intreat your majesty to take into your royal consideration, that, although by antient right of parliament, the matters there debated are to be digested in their own method and order, and that their constant custom hath been, to take into their consideration the common Grievances of the kingdom, before they enter upon the matter of Supply, yet to make a full expression of the zeal and affection which they bear to your royal person, in bringing at least, if not exceeding the forwardness of their predecessors to the best of your progenitors; they have in this assembly, omitted to the ordinary proceedings of parliament, given your maj.'s House the time before the common Grievances with which, how pressing soever, joining with all, those tender and vital humours of the kingdom, which give subsistence and ability to our subjects. This was their dutiful order and resolution, and was grounded upon this fundamental judgment, that those two things ought not to be severed, but did both of them equally concern your majesty's service; the one no less in enabling and encouraging your person, than the property many a present supply to your majesty's occasions and the subjects' ease, so to have them free from any just cause of complaint hereafter. And though, of the two, the Supply were the later proposition amongst their several grounds committee to which both were referred, he hoped that first ready to conclusion.—And to be certain that your majesty might receive no interruption by the other, they have, differing from usage and custom in cases of this nature, sent up, of those that concern the subjects, by parcels as they were ready, and not one to the lords; to the end your majesty might receive a speedy grant of as much of the largest of the two as the extent of your leisure could afford.—Sir, to take the breath of your nostrils, and the light out of our eyes, and to bereave those in our offices, which under you and your royal progenitors in this frame of government these many hundred years, the very ringing we possess hath taught us whose image we are, and are all most humbly beseech your majesty to be, the bindings to or over can be no more dear unto us than the sacred rights and privileges of your person or counsel, and greater incitements to them, nor be more tenderly touched to maintain them, and the present grievances of your people and liberties, which consist in their persons and property in their goods and estates, as an essential means to enable the subjects of a monarch.—For real and true supplies, in their ability to govern and serve their sovereign in war, which, next under God, is the sinews of the happy and flourishing estate of a king, and greater than all other kingdoms of free subjects, and greater numbers of people.—What information soever contrary to this shall be brought unto your majesty can come from none of those such as for their

[1] From Rushworth, corrected by the Manuscript.

own ends, under colour of advancing the prerogative, do indeed, in truth, undermine and weaken the royal power; and, by impoverishing the subject, render this monarchy less glorious, and the people less able to serve your majesty.—Having, by this that hath been said, cleared our intentions and proceedings towards your [illegible], that is, that in your royal judgment, we shall be free from the least imputation of giving any unnecessary stop to our proceedings in the matter of Supply; and that your majesty will be pleased to entertain best of our affections and cheerfulness in your service; and that, hereafter, no such misfortune shall befall us as to be misconstrued by your majesty in [illegible]. We shall most humbly [illegible] your royal consideration, in this or any other business, the premises [illegible] as to your wisdom and judgment shall seem meet. And to the end that the [illegible] these Resolutions [illegible] the [illegible] to the knowledge of your good subjects, and to your hearts that the [illegible] may be [illegible], that [illegible] may be truly [illegible] for making [illegible] and the best [illegible] have ever delight in calling us together, and [illegible] —But [illegible] which will be [illegible] humbly desire your majesty to [illegible] Petition from the [illegible] against the [illegible] that [illegible] the Billeting of Soldiers is [illegible] against their wills.—Your royal predecessors have held the subjects [illegible] that the kings and [illegible] [illegible] [illegible] that [illegible] [illegible] [illegible]

to the [illegible]ce of your may [illegible]them to the [illegible] impose [illegible]and destruction; so that, there [illegible]by, the [illegible]ve edified & stabled to yield [illegible] any those Supplies for your urgent occasions, which they heartily desire; and yet they are further perplexed with apprehension of more approaching danger; one in regard of your subjects at home, the other of enemies both abroad; in both which respects it seems to threaten no small calamity —for the 1st, the meaner sort of your people being exceeding poor, whereof in many places are great multitudes, and therefore, even in times of more settled and constant administration of justice, not easily ruled, are most apt upon this occasion, to cast off the [illegible]us of government; and by joining themselves with these disordered soldiers, are very like to fall into many a rebellion that [illegible]faithfulness of our duties, we cannot but humbly to present to your high and excellent wisdom, being possessed with probable fears that some such mischief will shortly ensue, if no effectual and speedy course be not taken to remove out of the land, or otherwise to disband, those unruly companies —For the 2nd, we do most humbly beseech your may to take into your princely consideration, that many of those companies, besides their dissolute disposition and carriage, are such as do openly profess themselves papists; and therefore to be suspected that, if occasion serve, they will rather adhere to a foreign enemy of their religion, than to your may their liege lord and sovereign, especially some of their captains and commanders being as popishly affected themselves, and having served in the wars on the part of the king of Spain and the Arch-Duchess, against your majesty's allies, which, of what pernicious consequence it may prove, and how prejudicial to the safety of our kingdom, we leave to your majesty's high and princely wisdom —And now upon these, and many more which might be alledged, most weighty and important reasons, grounded on the manifest name of the worship and service of Almighty God, the continuance and [illegible]ncrement of your majesty's high honour and [illegible]fit, the preservation of the antient and undoubted liberties of your people, and therein of justice, industry and valour, all which nearly concern the glory and happiness of your may [illegible]te, and the preventing of calamity and ruin [illegible] burch and common-wealth of your may [illegible] most humble and loyal subjects the knights, citizens, and burgesses [illegible] your [illegible] tions, in the name of all the [illegible] of our kingdom, who are, [illegible] miserably die on many and [illegible] trate at the throne of your grace in [illegible], do most ardently beg a present [illegible] of unsupportable burden, and that your may would be graciously pleased to [illegible] the like pressure in the time [illegible]

The King's Ans.] To [illegible]ore, my Peers and you the Commons, I have heard your petition read unto me, and I thank you for it; and I will give you such an answer as I hope you will be satisfied with, and I will be as careful of your good as of my own conservation, and I will be as ready to spend my life for you as for my own children. I will not trouble you with many words, but I will give you a full answer to your petition. I will not only give you a full answer to your petition, but I will also give you a full answer to your petition. I will not only give you a full answer to your petition, but I will also give you a full answer to your petition.

[illegible]

[illegible]sent you my last [illegible] a reply, for I intend [illegible] to find fault with [illegible] at meeting, that [illegible] ers, and I am sure [illegible] who shall I blame [illegible] crumble [illegible] The [illegible] like you have [illegible] for your own [illegible] time [illegible] you will [illegible] my [illegible] I [illegible] me with [illegible] to believe [illegible] meeting, [illegible] tion of [illegible] so much [illegible] my [illegible] business will [illegible] for time called [illegible] nor me [illegible] to hasten, as he [illegible] cessity of it, [illegible] I say, as to [illegible] helm. As to [illegible] shall make [illegible]

The Commons [illegible] *Suffolk for superstitious* [illegible] April 14. [illegible] mon, by Mr Kirton [illegible] folk had said, [illegible] hanged or [illegible] speaches to be like [illegible] wives was named [illegible] word; and he was [illegible] declare his knowledge [illegible] That going up to the [illegible] church, about [illegible] on who met him, [illegible] After this [illegible] of the [illegible] the words [illegible] these [illegible] [illegible] [illegible]

sire justice from the lords against him; for a wrong done to the house of commons, in general, and to a member thereof (Mr. Selden) employed in their service, in particular. And, in his introduction, to intimate how fit it is from this house to do any thing, which might interrupt the good unity and correspondency between both houses.'

Sir Rob. Philips, being returned from the lords, reported, That their answer was, That a signal cause of the desire of their lordships' hasty to continue, and, if possible, to make the present correspondency between both houses, since they had presently taken into consideration the Message, and that the earl of Suffolk had there, openly, protested, 'Upon his honour and soul, he had used no such words to Mr. Strangeways.'—But this did not satisfy the commons, a select committee was presently appointed to consider of the words, and more further disquisition of the proof, and all incidents thereto, with power to send for any witnesses.

April 15 Sir J. Strangeways openly avowed the words he had charged the earl with the day before, and said 'That he put strange speeches upon them, and that he was ready to make good the same, in any course the house should be pleased to direct, either as a meer private, or a gentleman of honour.' Sir W. Uvedale stood up and said, 'That yesterday sir Cornelius Vermuden told him, that he heard the earl of Suffolk give the same words, which sir J. Strangeways charged upon him.'—Referred to the former committee.

April 17 Sir John Elliot from the said committee, reported, 'That sir Christ. Vermuden testified before them, that, on the 14th inst. he was at a committee of the lords, when the earl of Suffolk told him, that Mr. Attorney had cleared the business, and made the commons on the king's side, and further said, That Mr. Selden had razed a record, and did deserve to be hanged; and this house would do well to join with the lords in a petition to the king to hang him.' And added, 'That Mr. Selden was about to divide the king and his people.' Upon expostulation, the earl did again justify, 'That Mr. Selden had razed a record.' That Mr. Littleton, being examined, said, 'That he stood not very near my lord, but heard this much, which he said, that he would not be in Mr. Selden's case for 10,000*l* and that he deserved to be hanged.'—These, and some other strange circumstances, too long to insert, brought the committee to the following Resolutions, 1. 'That the earl of Suffolk, notwithstanding his denial, had laid a most unjust and scandalous imputation on Mr. Selden and the house.' 2. That the same falls sufficient, that sir J. Strangeways asserted nothing but truth.' 3. That these particulars should be presented to the lords, and the earl charged with the same, and that the lords should be desired to proceed to justice against him, and to inflict such punishment upon him as their honours shall think meet, and the house of commons doth [illegible] W[illegible] agreed unto by the whole house. Sir John Elliot was immediately ordered to charge the earl of Suffolk, at the bar of the lords, with the words, in the manner and form as Mr. Littleton had reported, and withal, to signify, 'That they would take it into their consideration, and return answer by such of their number as they should think fit.' And this is all we have met with in the house of commons.—The earl of Suffolk is also entered in the lords journals, and carried as far as sir Rob. Cotton's Remonstrance to them on that day, but not their Answer, but, it is probable, that by some compromise after, the matter was dropped, before we meet with no more about it.

I. *The Judges in the King's Bench against the Earl of Arundel for refusing the Loan.*] April 14 The lords resumed the debate concerning the Liberty of the Subject, when the judges of the king's bench attended, according to an order of the 8th, to give an account of the Reasons of their Judgment in the case of the gentlemen imprisoned by the king's order, for refusing the Loan; which the commons had complained of—hereupon.

The *Chief Justice** said, 'That they were prepared to do their lordships command, but desired to be advised by them, whether they, being sworn upon penalty of forfeiting body lands, and goods into the king's hands, to give an account to him, may do this without warrant or licence?'

The duke of *Buckingham* said, 'He had acquainted the king with the business, and, for ought he knew of, he is well content therewith, but to better assurance, he had sent his brother Angiesey to know his majesty's pleasure.'

The earl of *Dorsetshire* answered, 'It a complaint be made by a meum nunn against the greatest peer in this place, he is to give an account of his doings to this house.'

The bishop of *London*† said, 'This matter proceeded from him, and he took it for clear, that there is no appeal or exit from the chancery, which is a higher court than the king's bench; and that court hath ever given an account of their doings.'

The lord *Save* wondered there should be any question made of this business; because, in his opinion, this being the highest court, did admit of no appeal.

The *Lord President*‡ said, 'The Judges did not do this by way of appeal, but as the most common way for them, this being a matter concerning the king's prerogative.'

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* Sir Nicholas Hide, so appointed on the removal of sir Randolph Crew, for refusing to forward the Loan.—Rushworth tells us, that he owned the advancement to his being employed in drawing up the duke of Buckingham's Answer to the Impeachment of the Commons, sect. p. 107.

† Dr. John Williams, formerly lord-keeper.

‡ [illegible] earl of *Manchester*, formerly lord chief justice of the king's bench.

* The account of the [illegible] Spec[illegible]ted [illegible] the Phoenix Parliamentarium. The [illegible] only, are in Rushworth, to which [illegible] charges him with great partiality. We [illegible] chosen to copy sir John Napier's MS. which is much more correct.

† Sir Thomas Darnel, sir John Heveningham, sir Walter Earl, sir Edward Hampden, and sir John Corbet. [illegible]

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[illegible]
that Declaration, whe
from the commons hous
took, was this: after I
state of the question be
somewhat of the statutes
oned and insisted upon, by that Declaration
to maintain the tenet or proposition of the
commons, concerning their personal liberties.
I came to the precedents, which were delivered
on either side, and opened the reasons and
applications of them one by one: and spent
that day on that part of the work, as to
the most weighty, and that on which my lords
the judges of the King's-bench, grounded their
resolutions and rule they gave there. But
which now remains to be spoken unto, is,
the Opinions and Resolutions of the Judges
and sages of the law in former times, touching
this question; and the reasons, which have
been given on either side, to maintain or oppose that which hath been affirmed in this
case.—I shall not, willingly, draw you back to
any thing which hath been formerly said, but
for so much only as is of necessity for, before
we proceed to these parts now to be spoken
unto, it will be necessary that I do, clearly and
plainly, lay down the true state of the question; that so we may apply the resolutions and
reasons ad idem. This, as it is delivered in
writing from the commons, stands from two
separate resolutions; but it is fit to join them
together, for they make but one entire proposition, and are so linked together, and depend
one on the other, as they cannot be severed.
The words of this proposition are these, "That
no freeman ought to be committed or detained
in prison, or otherwise restrained, by command
of the king, or the privy-council, or any other,
unless some cause of the commitment, detainer,
or restraint be expressed; for which, by law,
he ought to be committed, detained, or restrained." And, afterwards, "That if a freeman be committed, or detained in prison, or
otherwise restrained, by command of the king,
privy-council, or any other; no cause of such
commitment, detainer, or restraint being expressed; and the same be returned upon a
Habeas Corpus granted for the party, that
then he ought to be delivered or bailed" (See
p. 259.) To maintain this as it is propounded,
the words of the statute of Magna Charta,
cap. 29. are laid down as a foundation, 'nullus liber homo imprisonetur, nisi per judicium
parium suorum, vel per legem terræ:' and the
6 subsequent statutes have been read and enforced, as confirmations and explanations of
that passage. I shall not draw your lordships
back further into the consideration of these statutes, than only to put you in mind that the
statute of Magna Charta doth not contain, or
express, any definitive words of this declaration; nor hath it any words in it more particular than these, 'nisi per legem terræ.' Therefore, the words being general, they have need

[illegible] that book, that it [illegible] present purpose.—M[illegible] Hob. 6 vol. 28. the case [illegible] ere as a return made, that [illegible] fuit per dominos or [illegible] way) de consilio regis, pre[illegible] natibus. This book is an au[illegible] the point, for the king for the re[illegible] accepted of, and allowed to be good. But I confess ingenuously, I do not much rely upon this book neither on this side; because the matter is not debated at all there, but pass[illegible] by way of admittance.—The next is the resolution of all the Judges, in 8 & 9 Eliz. Here Mr. Attorney read the latter part of it, which concerneth this general question, all the former parts being of commitments, made by particular counsellors, to the prejudice of particular persons in their suits, and many times in their executions after judgments had, in this latter part, as appeareth by the words, it doth agree, That the courts of justice ought not to deliver, or bail, where the commitment is by the command of the king or his council. And touching the return of the cause, upon an Habeas Corpus, they agree it ought to be either generally, or specially, expressed: if then a general expression be enough, it is agreeable with the general return of 'per mandatum domini regis' and, if it must be special, it must be so special as that all the circumstances must be made to appear to the court, that they may be able to judge thereof. Therefore, that Resolution of all the judges is, in my understanding, very plain and clear in this point; but I submit it to your lordships judgments.—Next is the Opinion of the Judges, in 13 Jac. in the King's-bench, upon the debate of Russel's case and here, by the way, I must be bold to observe thus much, that, although this be the report of a private student and not in print, yet it is such, and of that nature, as all other reports are, (being faithfully collected) whereupon we, who are professors of the law, do ground opinions, and wherein judges of succeeding times do ground themselves, upon the opinions of their worthy predecessors: and such reports, whether in paper or in print, are of equal authority with us. For the cases which are printed, by the labours of those worthy men, who have taken pains therein, were first collected out of such reports in paper. The words of the report I shall read throughout, because they confirm many passages in the conferences. The words are these, 'Coke, Crooke, Dodderidge, and Houghton, justices, did hold, that a return that one is committed per mandatum privati consilii domini regis, were good enough, without returning any cause, for it is not fit that the arcana imperii should be disclosed' and as to the case of Hercourt, in 40 Eliz. (case remembered a non-suit [illegible] before) where [illegible] in the [illegible] Popham, chief justice, that was [illegible] to the Lower [illegible] high treason, and was bailed upon an Habeas Corpus sent for him: this was [illegible] special command of the queen [illegible]

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Edw. Coke,
court said, '
ons to prison,
at England: '
1. saith, That he,
by the command of the king, [illegible] be
let to mainprise. Stamford makes the interpretation, that by the king is well intended his privy council, who are the representant body of the king. And that sir Edw. Coke added, he knew a bill put in by Mr. Morice, attorney of the court of wards, into parliament, by which it was desired that the statute of Magna Charta, chap. 29. might be explained.—My lords, by the words of this case thus reported, and by the opinion of those reverend judges, you see how many things before cited base authority and life given unto them, not only in the main point in the question, but in the reason thereof, you see the true reason of Hercourt's case, and of Beckwith's and Reynel's case, the true meaning of the resolution of 4 Eliz. by all the judges (which is now endeavoured to be turned to another sense) also the exposition of the statute of Westminster 1. and interpretation of Stamford Lewis thereupon, and, lastly, that a bill was preferred in parliament to explain the statute of Magna Charta and I wish, with all my heart, that, by the motion of both the houses, a fitting bill might be preferred to compose and settle, well and equally, this great question. Next I cited the opinion delivered in the parliament house, in 18 Jac. whereof I made some mention before, and now am put in mind of it again by an expression used yesterday by one of my lords in mentioning of it: it was the word of the learned [illegible] Edw. Coke, upon whose opinion I have much grounded myself. I was upon occasion of a bill, then preferred in parliament, entitled, 'An act for the better securing the subject from wrongful imprisonment contrary to Magna Charta, &c.' The bill came to a second reading [illegible] 3. 19 Jac. I being then a member of that house. Upon this occasion sir Edw. Coke stood up and said thus: I cite the very words: 'There are divers matters of state, which are not to be unprehended in the warrant for the bail, to be disclosed. One committed by the council is not bailable by law, nor by all the judges in Westminster, that, in

Printed in the Year 1641.

resolutions of the commons cannot

not bound to give that account.—And now, my lords, I come to the Reasons, which I shall humbly offer on the other side, against this tenet of the house of commons, in such manner as it is laid down; wherein I must first crave leave to lay before you what conclusions do, necessarily, follow out of this proposition of the commons. 1. If the cause of the commitment must be laid down, then necessarily it must be affirmed, that this must be the true cause, and not a false or feigned cause, for that were worse than to express no cause at all. 2 It must be expressed at the time of the making of the warrant for the commitment, which is instantly and presently; and from hence there must be no varying. 3 It must be expressed so fully, as that the court must be able to judge of it from itself, and not be an uncertain cause, or set down so lamely as not to give full satisfaction to the court, it is as bad as none at all. Lastly, It must be a legal cause, and a cause as by the fundamental rules of the law, the judges must judge it a good cause of commitment or detainer, or else they must presently discharge or bail. Then, upon these premises, doth this conclusion naturally follow, That in no case whatsoever, may any man be committed or restrained for any thing, never so much concerning the state, but that forthwith the keeper of the prison must be acquainted with the cause so fully, as that he may, truly and without variation, inform the court thereof, when it shall be required, and that cause must hold the strictest examination and trial of the law: which, if it should be admitted, your lordships shall see what infinite peril it might bring, not only to the persons of private men, (which are not to be neglected) but to the whole state; the very fabrick and frame of government under which we live.—But it hath been objected, That if the king, or the council, may commit without shewing cause, it would be infinitely full of danger; for, as the king may commit one, so he may commit any, or many; as he may commit for a just cause, so he may commit without a cause, as he may commit for a time, so may commit to a perpetual imprisonment. To this I answer, that it cannot be imagined that the king, that he will at any time, or in any case, do injustice to his subjects. It is a maxim in our law, that the king can do no wrong. Therefore the king can give no land by reason, as in 3 Edw. 3 fol. 8. He cannot be disseised by usurpation, as in 32 Hen. 8 and 4 And this is so far from being a direct imputation to the king, that it is held for a part of his prerogative, as it is said in the Register's case, in Mr Plowd. Commentaries, that is, that the king is so great and excellent a person, that he is Pater Patriæ, that cannot want the affection of a father to his children.—Now, my lords, I confess, in some cases of imprisonment, one man and more may be imprisoned, and yet the cause of their imprisonment [illegible] as the [illegible] queen Eliz. with [illegible] lords cannot but call to mind. There was a great conspiracy against the person of the queen: some were indicted, committed, and imprisoned; but they could not be proceeded against [illegible] was necessary to reveal it, until one Owen, a priest, being then at Brussels, could be caught. This required a long time (above a year) to bring it to pass, at last, by a wile, he was circumvented upon, and brought over. Now, if so much as the general cause should be published, it would have been more difficult to have gotten him; and haply without him, the plot could not have been discovered. Would any man but he thought fit that in this case the others should in the mean time have been set at liberty? For I put it to the judgment of my lords, whether there be not a necessity in the affairs of state, sometimes to give forth one thing for a pretence to activate the true intention of the action.—I shall give you another instance in the case of Sir Phelim O'Dwine, the rebel, who was slain; his sons, being then infants, were brought over into England, and committed to the Tower, and lived there all their [illegible] Admit these were brought to the king's-bench by Habeas Corpus, and the cause returned, what cause can there be which could bind over? They themselves neither had done, nor could do any offence; they were born [illegible] in their infancy. True; but their father was an arch-traitor. Is this a legal cause of detaining the son in prison? Yet would any man believe that it were safe, that it were fit, to deliver those persons? Yet this general tenet admits of no exception. Infinite other examples might be given. How often do we see the state interpose in ordering the government of trades, of companies, of private corporations, and with very good success for the peace of these petty governments doth preserve the peace and quiet of the great whole; and the common law can give no rule in these things.—Upon this occasion I have looked into some acts of state in queen Eliz.'s time which I shall be bold to offer to your lordships judgments. In the time of dearth, lest the poor should starve and perish, the farmer was commanded to bring forth his corn to serve the market, to sell at a reasonable price. Is there any law to order or compel this? Yet is not this to be done? In queen Eliz.'s time, before no law was made against Jesuits or Seminary Priests, before any law was made for banishing of Popish Recusants; the one sort were imprisoned, the other banished, in times of danger, by the acts of the state only, and would it not be unfit to have delivered, or bailed these upon an Habeas Corpus?—But the true answer for these, and the like cases, is, That it is not contrary to the laws for as God hath created the [illegible] concerning the whole, so hath he [illegible] and limited with ordering of the parts and [illegible] many cases, of ultimate intention of the subject, and of the [illegible] reserved in the [illegible] of ambassadors [illegible] never

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they [illegible], [illegible]
shall de[illegible] they
have done. As [illegible]
we usually [illegible]
don[illegible] they
brought [illegible]
stand [illegible]
of government, [illegible]
we [illegible]

Mr. [illegible]
wa[illegible]
lordships [illegible]
forma[illegible]
day [illegible]
on [illegible]
was [illegible]
by us, [illegible]
Magna [illegible]
tut[illegible]
ferre[illegible]
no [illegible]
but be the [illegible]
ment; [illegible]
such [illegible]
[illegible]
pr[illegible]
of law, [illegible]
of a consta[illegible]
most [illegible]
a [illegible]
war [illegible]
an u[illegible]

press it; and so is the authority in the [illegible], Brook's Abstracts. So may he, after the other apprehend and commit to prison, the [illegible] hath [illegible]nded a man, th[illegible] to [illegible] death, [illegible] the with [illegible]w[illegible]rant or [illegible], [illegible] 3 [illegible]lien. 3 fol. 6. Also any man, [illegible] [illegible] officer, may apprehend a felon without [illegible]nt or writ; and pursue him as a [illegible] [illegible]y to the common-wealth [illegible] the [illegible] 13 Hen. 8 f. 16. So may any man [illegible] a night-walker, because it is for the [illegible] profit, as the reason is given, 4 Hen. 7 [illegible] 10 [illegible] a watchman, 4 Hen. 7, [illegible] 13 [illegible] Likewise the judges, in the [illegible] [illegible] may commit a man, either for con[illegible] [illegible] or misdemeanors, without any other [illegible], that [illegible] take him sheriff, [illegible] [illegible] Marshal, [illegible] Warden of the [illegible] and the [illegible] will not deny but, if the [illegible], will [illegible] cause, he may commit a [illegible] his mandatum, as the judges do [illegible] [illegible] or warrant it. And [illegible] the case that may be instanced, wh[illegible] [illegible] lawful commitment without pres[illegible] and therefore the words in the statute [illegible], cannot be restrained to so [illegible] as to imprisonment by pr[illegible] [illegible] positively, and with confid[illegible] [illegible] the imprisonment be lawful, [illegible] process, or without process, [illegible] [illegible] by the law.—I [illegible] [illegible] the question will [illegible] be t[illegible] Whether a [illegible], council may commit [illegible] [illegible] them to? And, [illegible] they may, [illegible] [illegible] they are obliged to do [illegible]. To clear this, we must [illegible] what is [illegible] which is not so stri[illegible] he [illegible] as if the terms were only that [illegible] [illegible] the [illegible] law of this realm, which [illegible] [illegible] are the [illegible] of [illegible] exercised in this kingdom, wh[illegible] [illegible] to be the rule and the law of the [illegible] Anders Case, Croke's 5th Report, fo. [illegible]. [illegible] [illegible] the law of the [illegible] [illegible] [illegible], [illegible], [illegible] [illegible] [illegible] rendered us [illegible] that [illegible] [illegible] should not have power to [illegible] [illegible] [illegible]

damages accordings cannot be had. And so it is also in the case of the law-merchant, which is mentioned 13 Edw. 4 fol. 9, where a merchant-stranger was wronged in his goods, which he had committed to a carrier to convey to Southampton, and the carrier embezzled some of the goods; for remedy wherein the men hasted in the Star-chamber for redress. It is there said, that merchant-strangers have the king's safe conduct for coming into this realm; therefore they shall not be compelled to attend the ordinary trial of the common law; but, for expedition, shall sue before the king's council or in chancery, de die in diem, & de hora in horam; where the cause shall be determined by the law of nature. In like manner it is in the law of the state; when the necessity of the state requires it, they do, and may proceed according to natural equity, as in those other cases, because in cases, where the law of the land provides not, there the proceedings may be by the law of natural equity and infinite are the occurrents of state unto which the common law extends not; and in those proceedings of state should not also be accounted the law of the land, then do we fall into the same inconvenience mentioned in Cawdrey's case, that the king should not be able to do justice in all cases within his own dominions. If then the king, or his council, may not commit, it must needs follow, that either the king must have no council of state, or, having such a council, they must have no power to make orders or acts of state, and, in this case, they must be without means to enforce obedience to those acts, and so be but allow them jurisdiction, but not coercion, which will then be as fruitless as the philosopher's 'Frustra potentia, quæ nunquam reducuntur in actum.' Whereas the very act of Westm. 1 shews plainly that the king may commit, and that his commitment is lawful, or else that act would never have declared a man to be irreplevisable, when he is committed by the command of the king, if the law-makers had conceived that his commitment had been unlawful. And Divine Testimonies, That kings have their power from God, and are representative gods, the Psalmist calling them the 'Children of the Most High,' which is in a more especial manner understood of kings than of other men, for all the sons of Adam are, by creation, the children of God, and all the sons of Abraham are, by regeneration, the children of the Most High, but it is said of kings, they are the children of the Most High, in respect of the power that is committed unto them. Who hath also furnished them with ornaments and arms fit for the exercising of that power, and given them sceptres, swords, and crowns, sceptres to minister, and swords to execute laws, and crowns as ensigns of that power and dignity with which they are invested. Shew then unto me that law by which I have transmitted the power I have received to inferior magistrates, that he hath not reserved as much supreme power as to command, consider to punish? Bract. lib. 3. fol. 7, it appears, That a steward of a court leet may commit a man to prison; and shall not the king, from whom all inferior power is derived, have power to commit? We call him the Fountain of Justice; yet when these streams and rivulets which flow from that fountain are frosh and full, should we so far exhaust that fountain as to leave it dry? But they that will admit him so much power as to commit, do require an expressing of the cause! I demand then, whether they will have a general cause alledged, or a special? if a general, as they have instanced, for treason, felony, or a contempt? But, to leave fencing, and to speak plainly, as they intend it, if a loan of money should be required and refused, and there upon a commitment ensue, and the cause assigned to be for a contempt, this by no means is far from yielding the remedy sought for: for then, truly, in the next parliament, they would be required an expressing of the particular cause of commitment! And how unfit it would be for a king and council, in all cases, to express the particula causæ, is easy to be judged; when there is no state-policy, no government, whether it be matters of war, or any other affairs, which hath not some secrets of state, not communicable to every vulgar understanding. I will instance but in one: if a king employ an ambassador to a foreign prince or state, will it be convenient for his negotiation, and he pursues not his instructions; whereby dishonour or damage may arise to the kingdom, is not this cause of commitment? And yet the parliament in enacting, and the manner of their inserting, it will not be declared in the warrant to the keeper, but by him to be certified to the judges, there also to be opened and debated in the presence of a great audience—I the chief counsel, I hope, for offences against the state in matters of government, the king or his council have power to punish by imprisonment, without shewing particular cause, where it may tend to the declaration of the secrets of state-government. It is all known to many, how much I have laboured in the house of the subject's liberty, very many years before I was in the king's service, and had no cause then to speak, but only examine, and hear information and publish the grievances which we have found, and to exercise that power in matters of state, that I do now justly in the house of peers, for this present only to vindicate my master, but, if I may have leave to speak plainly and freely, I conceive that a commitment cannot be determined by the parliament, but it needs be a kind of continuance, when the conqueror must have a hand in the whole case, as in this case, for the king prevail for liberty. [illegible] to govern, with [illegible] become an anarchy, if the subject grows above his power, yet loses the rubjects [illegible] for obedience we

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those inferior [illegible]ters of justice, who, [illegible]
withstand[illegible]t is used without a [illegible]
[illegible] the c[illegible]tes his time when [illegible]
[illegible]y [illegible]d to be done. So [illegible]
[illegible]'s [illegible]t, fol 99 lex [illegible]
[illegible]ondal [illegible]ction of courts; [illegible]
[illegible] [illegible] in law. Nay, he [illegible]
[illegible] [illegible] near him, sir [illegible]
[illegible] [illegible] a writ or in [illegible]
[illegible] [illegible] process doth n[illegible]
[illegible] [illegible] both the author[illegible]
[illegible] [illegible] of law' must [illegible]
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[illegible] [illegible] the' ing was[illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [

Vol. II

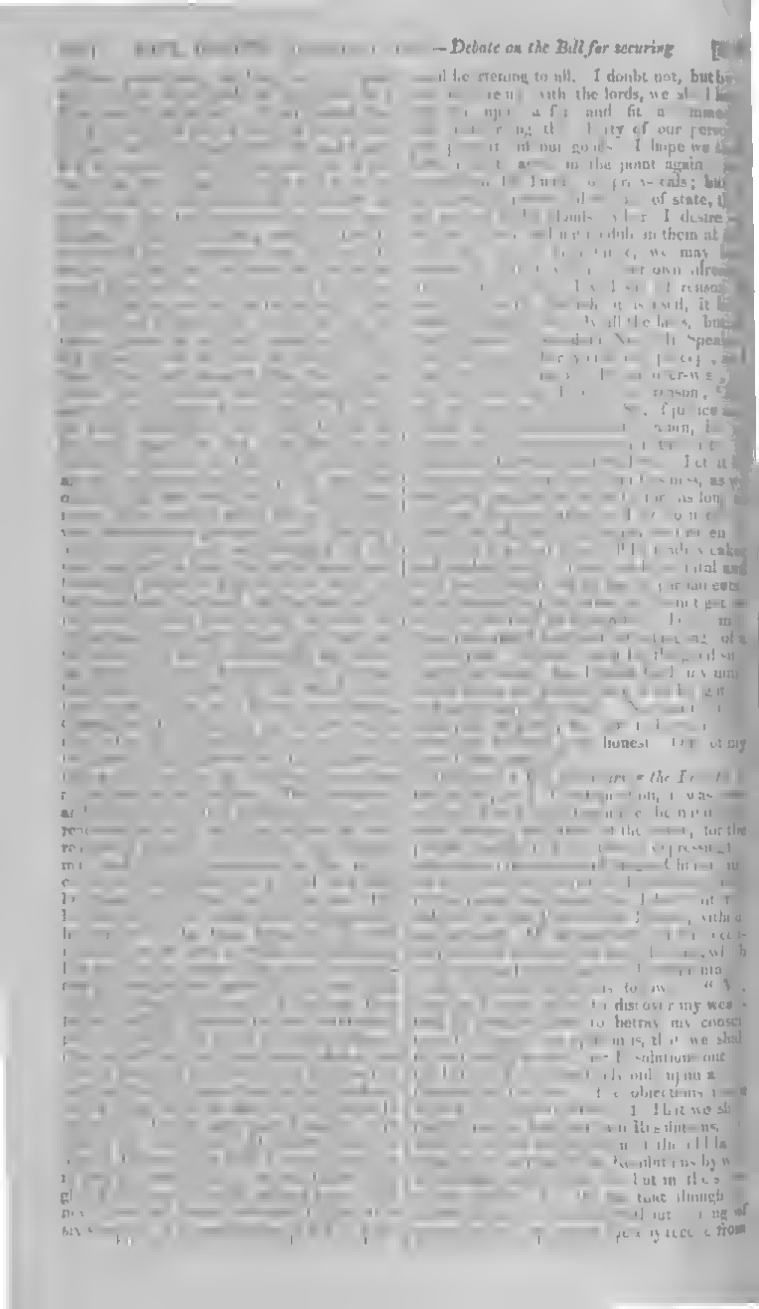
...going Prop... ...ions, and ... ...n had he ... ...hing of ... ...matter,

Sir ... *Digges* ... Lords: It hath pleased ... bless the kingdom, ... assembled in ... and strong ... a parliament ... their ... ... the ... ...

sense he hath of the expence of time, that grew from the debates in both houses. We see how indulgent he is, that however the affairs of Christendom are great, yet he omits not this, nay, he takes in good part our proceedings and our declarations that we will not impeach the prerogative also his may presumes that we will confess, that he hath used extraordinary grace, in that he hath endured dispute so long, yet he acknowledgeth it justice to stand as we have done.—However, out of a princely regard to the public, he is careful no more time be lost, and because he sees some extraordinary course must be taken to satisfy us, he observes, that in the form of the debates, such length is required, as the urgent nature of his business will not possibly endure. It is to be presumed, that his government will be according to the laws we cannot but remember what he hath said, 'He is no king, but a tyrant, that governs not by law;' but this kingdom is to be governed by the common law, and he may use res as so much, the interpretation is left to the judges, and to his great council, and all is to be regulated by the common law. I mean not Magna Charta only, for that Magna Charta was part of the common law and the ancient law of this kingdom; all our difference is in the application of this law, and how this law, with difference, is observed into every court. I can give there are two rules, the one is res, that is rigid, and will not bend, and that is the law of the king's-bench, this has will not bend, and when it hits on one side it does not bend, it is my st and I can not in the law of chancery and [illegible] interpretation of human private matters, when it comes to mean & temp And this the moral government of res, which is to the common state of the kingdom is from the council-board, and there the may vary from the law of the kingdom upon settle in time of dearth, any man's goods may in that time be forced, and he brought to the market we saw the experience of it in corn in London, when the council-board cried them to be brought forth and sold In time of peace every may be restrained [illegible] in a church, the rule will not admit it favourers of it [illegible] are encouraged in [illegible] as, it is in the point of the sword [illegible] men to their [illegible]—In these sudden things, there is great difference of [illegible] ences have been between the courts of chancery and king's-bench? it is hard to [illegible] difference between the kings [illegible] and our liberties His may saw expedient time would be good for it. It lies in [illegible] his may [illegible] and to shew us a way to clear all our [illegible] doubts, let us attend to all the parts of it, this [illegible] and then it more assurance than we could have [illegible] whatsoever, his may desires, that Magna Charta and [illegible] may be confirmed. All times thought it safe, that when they came to a negative of power, it was hard to keep government and liberty together; yet his may stopped not there; but, according to the sense of these laws, that he will govern his subjects in their just liberties, he assures us our liberties are just; they are not of [illegible] of right, nay, he assures us he will govern us according to the laws of the realm, and that we all shall as much security in his may's promise, as in any law we can make; and whatsoever law we shall make, it must come to his may's allowance and if he may find cause in his government, he need not put life to it we daily see all laws are broken, and all laws will be broken for the public good, and the king may pardon all offenders. His may did see, that the best way to settle all at unity, is to express his own heart the king's heart is the best under it his own promise, his promise is bound with his own heart What prince can express more care and wisdom?—Lastly, he saith, that hereafter we shall never have the like cause to complain nay we not think the breach is made up? is not his may engaged to his royal word? The conclusion is full of weight and he prays God, that as God hath blessed this kingdom and put it into his heart to call [illegible] unanimous us, so to make this day successful [illegible] The wrath of a king is like the roaring of a lion, and all [illegible] with his wrath, are as it were [illegible] but 'The king's favour is like the dew upon the grass,' there all will prosper; and may God make him the instrument to unite all our hearts.—His may having thus declared his mind, he prays us to proceed to the business that so much concerns him. As his may hath now shewed himself the best of kings, let us acknowledge his may's goodness, in return to that union which we will desire.'

Sir *Benj. Rudyard* replied * "We are now upon a business of great importance, and the manner of handling it may be as great as even the business itself. Liberty is a precious thing, for every man it is at his own price upon it, and he that doth not value it, deserves to be [illegible] Firmly on my part, I am clear without example, that what we have resolved is according to law, and I may judge in England better of our own religion, than I am sure we should have had it from Rome Out all [illegible] unless we [illegible] the scope and drift of Magna Charta, and, to reduce the realm to a legal power in matters of government, [illegible] it had not been worth so much contending for. But there have been precedents brought to prove the practice and interpretation of the law I cannot. There have been many precedents of unjust acts, but it is not all of truth of law or reason, there is no court of justice in England, that will discharge a prisoner committed by the king, regularly without [illegible] [illegible]

* From a MS in the Harleian Library. There is an imperfect copy of it in the Lansdowne MSS. in Roslworth, but some paragraphs are there omitted.



our resolutions, I reason thus: our resolutions were drawn out of the sense of those laws, which are now desired to be confirmed: so that no question can be made but we are as that have thus declared ourselves; but that our resolutions are virtually contained in those laws, if that be so, how can our acceptance of a confirmation of those laws be a departure from our resolutions? Nay, rather, I think the contrary is true: he who doubts, that by confirmation of these laws, our resolutions are not hereby confirmed, doubts whether we have justly deduced our resolutions out of those laws, and so calls our resolutions into question. The 2nd objection is, That, if we have nothing but a confirmation, we are in no better case than we were before these late violations of the law. This I deny, and do confidently affirm, That, although we have no more than a confirmation of those laws, which are recited in the bill that is now before us, we shall depart hence in far better case than we came; and that in divers respects. 1st, Some of the laws recited in this bill, and desired to be confirmed, are not printed laws; they are known to few professors of the law, and much less to others; and yet they are laws of as great consequence to the Liberty of the Subject, if not of greater, than any that are printed, as namely, 25 Ed. 3. N. 1. that Loans, against the will of the lender, are against reason and the freedom of the realm; and 36 Edw. 3. N. 9. by which Imprisonments by special commandment, without due process, are forbidden. These two are not printed. That excellent law, 'De Tallagio non concedendo,' in print, both, in a public court, been said by a great counsellor to be but a charter and no law. The statute, 1 Rich. 3. against Benevolences, is, by some opinions in print, an absolute law. If we can get all these good laws, besides those six others, which are expositions of Magna Charta, in the point of the freedom of our persons, to be confirmed and put in one law to the easy view of all men, is not our case far better than when we came hither? 2ndly, Will not the occasion of the making of this law of confirmation, so notoriously known, be transmitted to all posterity? Certainly it will never be forgotten, that the occasion thereof was the imprisonment of those worthy gentlemen for not lending, and the resolution in the court of King's-bench of denying to bail them: and is not the occasion of making of a law a good rule to expound it? If so, then, by giving a confirmation upon this occasion we have bettered our case very much. 3dly, Have not the judges in the King's-bench, in open parliament, upon our complaint, disclaimed to have given any judgment in the point? Which, generally before, by the parliament was otherwise conceived; for now they say, it was but an award and no judgment (see p. 289): will such a notorious act, upon so important an occasion, and in so public a place, be quickly forgotten? Nay, it not the memory of it for ever remain upon record? Is not our case thus much better than when

[illegible] of the [illegible] some [illegible] [illegible] declaring any [illegible] especially if the [illegible] ing of a parli[illegible] very much [illegible] cerned Pr[illegible] amongst other [illegible] are not out of [illegible] not this a great [illegible] so long [illegible] annot take [illegible] not this also [illegible] these reasons [illegible] jection is als[illegible] sons to m[illegible] cepting a c[illegible] tying gen[illegible] of the old law[illegible] nsured he will [illegible] withal, our [illegible] no cause to [illegible] and [illegible] assured of [illegible] their Propositions sent [illegible] vered themselves [illegible] a secure way of getting [illegible] tage to us, [illegible] manner, assure [illegible] side, we have great doubts [illegible] tering our resolutions to [illegible] all. For, 1st, We have had [illegible] the lords, that they are [illegible] join with us in a declaration [illegible] to be law. If they stumble at [illegible] much more will they in yielding to [illegible] in the same point. And, have we [illegible] more cause to doubt that his may withdraw [illegible] unto it, seeing it toucheth him [illegible] not the notice of his pleasure that [illegible] thus with the lords? If we should [illegible] with our Resolutions, and it should be rejected by the lords, or by the king, are not our resolutions much weakened by it? and are we then in far worse case than before we made them? and if the [illegible] solve to reject our resolutions, will it not tend to a justification of all that hath been done against us in this great point of our liberty? Let us then, like wise men, conform our desires to [illegible] hopes may guide our hopes by probabilities, for other deceits and other hopes are but vain. This is my poor opinion in this weighty business.'

Mr. *Mason* spoke as follows: 'Mr Speaker, I am of opinion, that in all proceedings in matter of [illegible] debate we [illegible] the title of a statute, called [illegible] against: for it concerns the Liberty of our persons, [illegible] which we do not [illegible] The question [illegible] both [illegible] explanation [illegible] the statute [illegible] the parliament [illegible] the [illegible]

from Westminster; the gaoler may neglect the return of the first process, and then the party must procure an alias; the gaoler may be then in some other employment for the king, and excuse the not returning the body upon that process; and this may make the imprisonment to a year; and, in the end, no cause being returned, the party may be discharged. But in the meantime he shall have suffered more imprisonment; he shall never know the cause, he shall have no remedy for it, nor be able to question any for injustice, which have not a justification, or excuse by this law. 4 The party may be imprisoned during his life, and yet there shall be no cause ever shewn. I will instance in this manner. A man may be committed to the farthest part of the kingdom westward, he obtains an H Corpus; before the gaoler receives the H. Corpus, or before he returns it, the prisoner by warrant is removed from that prison to another, it may be the farthest northern part of the realm; the first gaoler returns the special matter, which will be sufficient to free himself; and in like manner the prisoner may be translated from one prison to another, and his whole life shall be a peregrination, or wayfaring from one gaol to another, yet he shall never know the cause, nor be able to complain of any who cannot defend their actions by this bill. 5 If the prisoner be brought into the court by H Corpus, and no cause expressed, and thereupon he be enlarged, he may be presently committed again, and then his enlargement shall only make way for his commitment, and this may continue during his life, and he shall never know the cause; and this not remedied, but rather permitted by this act.—And there are also many things to be considered to this matter, the expence of the party to prison, his fees to the gaoler, his costs in obtaining and prosecuting an H Corpus, and his charges in removing himself, attended with such as have the charge of his conduct, and all this the prisoner must sustain without any satisfaction, or knowing the cause.—The only reason given by those of the other opinion, (that it is requisite the king and council should have power to command the detainer of a man in prison for some time, without expressing the cause) is, because it is supposed that the manifestation of the cause, at first, may prevent the discovery of a treason. The reason is answered by the remedy proposed by this act; it being proposed, that it shall be provided by this bill, that upon our commitment, we may have instantly recourse to the chancery for an H Corpus returnable in that court, which is always open, that presently upon the receipt thereof the writ must be returned, and the cause then expressed. If then the remedy be really intended, the cause of commitment must presently appear; which supersedes the former reason of state.—And, in my opinion, we might not only take care that the subject should be delivered out of prison, but also prevent his imprisonment; the statute of Magna Charta, and the [illegible] the acts, providing that [illegible] imprisoned but by the [illegible] though the king or council [illegible] jected, by might, may commit [illegible] cause, notwithstanding any laws we can make; yet I am sure, without such an act of parliament such commitment can have no legal colour; and I would be loth we should make a law of [illegible] for which reasons I conceive, that, there being so many ways to evade this act, we shall be in worse case by it than without it; since it provides no remedy to prevent our imprisonment without expressing the cause to be lawful; and admitters excuses for continuing us in prison, as I have before declared; and thus, by providing for one particular, out of reason of state, which possibly may fall out in an age or two, we shall spring a leak which may sink all our liberties; and open a gap, through which Magna Charta, and the rest of the statutes, may issue out and vanish. I therefore conclude, that, in my poor understanding, (which I submit to better judgment) I had rather depend upon our former Resolutions, and the king's gracious declarations, than to pass a bill in such manner as hath been proposed."

The King's Message to the Commons touching his Household. May 1. Mr Secretary Coke delivered to the house the following Message from the king —

"Mr Speaker; I have a very short message to deliver from his mouth that shew both his royal care to be rightly understood in this house, and no less care to understand us in the best part; and to shew clearly it shall not be his fault if this be not a happy parliament, his majesty hath commanded me to declare to the house clearly to set my mind know, Whether the will rest upon his Royal Word and Promises, made at several times, and especially by my lord-keeper's speech made in his own presence, which if they do, he doth assure you, that it shall be really and royally performed."—Upon this there was silence for some time. Then

Mr Secretary Coke proceeded thus —"This silence invites me to a further speech, and I refer to myself. Now we see we must grow words as well as for my part, I am confident I have [illegible] of this parliament. I have certified in this place and elsewhere, and I am still confident thereof. I know his majesty is resolved to do so much as ever kind and [illegible] this debate hath put [illegible] of our sufferings, and a desire to make up [illegible] those breaches that have been made. Since this parliament began, hath there been any disgrace made [illegible] that which hath formerly been? When [illegible] being a young king, and [illegible] to the crown, which he found [illegible] answer, but could we expect in such necessities? His majesty has called this parliament [illegible] up the breach: his [illegible] assure you we shall not have the like [illegible]

Pr[illegible] the [illegible] Your [illegible]

[illegible] shall be established what can we desire more? All [illegible] that we provide for posterity. [illegible] that we can prevent the like suffering [illegible] future. Were not the same means provided for them before us? Then we do insist [illegible] the liberty of the Subject is, [illegible] of the King, I hope we shall [illegible] nothing to ourselves to depress him. I will [illegible] him, yet I think we shall find [illegible] with the king, may please him with [illegible] I shall not deliver my opinion [illegible] a man which I will not justify to [illegible] I am bound. Will we [illegible] to bring ourselves into [illegible] be [illegible] [illegible] [illegible]

selves with the best of subjects; not by innovating upon that sovereignty or prerogative, which God hath put into his hands for our good; but by containing ourselves within the bounds and laws of our forefathers, without straining them or enlarging them by new explanations or additions in any sort, which he tells us, he will not give way unto. That the state of the affairs of the kingdom, and of Christendom, do press him more and more, that the time is now grown to that point of extremity, that it cannot endure long debate or delay, as this session of parliament must expire no longer than Tuesday come seven-night, at the furthest, in which time his majesty's part will be ready to perform what he hath promised; and if the house be not ready to do what is fit for themselves, it shall be their own faults. Lastly, upon assurance of our good dispatch and correspondence, his majesty declareth, That his royal intention is to have another session of parliament at Michaelmas next, for the perfecting of such things as cannot now be done."

Debate on the King's Message.] May 3. The above Message was debated, whereupon

Sir John Eliot spake to this effect. 'The king saith, He will rank himself with the best of kings and ther fore he would have us to rank ourselves with the best of subjects; and that we must not encroach upon that sovereignty that God hath put into his hands. this makes me fear his maj is misinformed in what we go about, let us make some enlargement, and put it before him, that we will not make any thing new, as for the time of this session, it is but short; and look how many messages we have, and so many interruptions, misreports, and misrepresentations to his maj produce these messages'

Sir Miles Fleetwood said, 'That this business is of great importance, and we are to accommodate it. The breach of this parliament will be the greatest misery that ever befell the [illegible] Christendom are upon this parliament: the state of all our protestant friends already to be swallowed up by the emperor's forces, and our own kingdom is in a miserable strait, for the defence [illegible] that is invaded by the Romish Catholics, by the colour of a commission, which is intolerable, the defence of our realm by shipping is decayed, the king's revenue is sold and gone; where shall the relief be had [illegible] but in parliament? Now we are in this way, let us proceed by way of bill, [illegible] ance of the king's Message, to enact the fundamental laws of property in our [illegible] and liberty of our persons. It was [illegible] laws, that [illegible]es by loan and imprisonment were void, let us touch them in our bill, [illegible] will precedents and judgments [illegible] be contrary be made void, that all [illegible] acts against the law be annulled, and [illegible] we be protected against the fear of [illegible]'

Common Answer to the King's several Messages.] In conclusion, the assembly arrived to an Answer to all the preceding Messages, to be presented to the king by the mouth of their Speaker: viz.

"The SPEAKER'S SPEECH to the KING, the 5th of May, in Answer to several Messages."[a]

"Most gracious and dread sovereign, Your loyal and obedient subjects, the [illegible] now assembled in parliament, by several messages from your majesty and council, have received your royal declaration, delivered by the lord keeper before both houses, here, to their exceeding joy and comfort, receiving many ample expressions of your princely care and tender affection towards them, with a gracious promise and assurance, that your majesty will govern according to the laws and statutes of this realm, and all manner of your subjects in the just freedom of their persons, and of every estate, that all their rights and liberties may be by them enjoyed with as much freedom and security in your time, as in any age before by their ancestor, under the kings your progenitors. For this so great favour shown, our part is a comfortable intimation of your majesty's confidence in the proceedings of this house, they do, by me their Speaker, make a full return of most hearty thanks to your maj. with all dutiful acknowledgment of your grace and goodness herein. And whereas in one of these messages delivered from your maj. there was an expression of your desire to know, Whether this house would rest upon your Royal Word and Promise; assuring them, that if they would, it should be royally and really performed. as they again present their humble thanks for the second and strengthening of your former royal expressions; so, in all humble-ness, they assure your maj that their greatest confidence is, and ever must be in your grace and goodness; without which, they well know, nothing that they can frame or desire will be of safety or avail to them, therefore they are all humble suitors to your maj that your royal heart will graciously accept and believe the truth of theirs; which they humbly present, as full of trust and confidence in your Royal Word and Promise, as ever house of commons reposed in any of their last kings. True it is, they can not but remember the public trust, for which they are accountable to present and future times, and their desires are, That your majesty's goodness might, in future memory, be the blessing and joy of posterity. But further also, that of late there hath been public violation of the laws and the subjects liberties, by some of your majesty's ministers, they thereupon conceive, that no less than public remedy will raise the dejected heart of your loving subjects to a chearful supply of your maj or make them receive content in the proceedings of this house. From these considerations, they most humbly beg your majesty's leave to lay hold of that gracious offer of yours which gave them assurance

[a] From Rushworth, corrected by the MSS.

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His Majesty's Answer to the Lord Keeper.

"Mr Speaker, and you gentlemen of the house of commons, it may hath commanded me to tell you from the Lord Keeper by your mouth, to the declaration of your grievances, but I am not bound to your precise words, but to the effect of them; if ye doth [illegible] meaning, [illegible] crouchment [illegible] well be said [illegible] an old, it [illegible] rat in his [illegible] And [illegible] trust and [illegible] grace and [illegible] can frame [illegible] Yet, to shew [illegible] intentions, [illegible] for a con[illegible] other six [illegible] but [illegible] plea[illegible] you [illegible] and [illegible] for and [illegible] to [illegible] will, [illegible] and [illegible] His [illegible] you [illegible] the [illegible] pre[illegible] I am [illegible] ple[illegible] [illegible] brou[illegible] [illegible] braves [illegible] [illegible] k."

[illegible] Note [illegible] [illegible] ning's good ple[illegible] [illegible] next day [illegible] [illegible] the house [illegible] [illegible] [illegible]

... particulars, and ... eral. ... May ... the King ... come ... Q. ... dies? all ... "T ... time ... will ... ...

his majesty five gracious Messages. That he would grant in all his subjects the most Liberties of their Person, and Goods. II. That he would govern according to the laws and statutes of this kingdom. III. That we should find a much necessity in his majesty's words as in any law or statute whatsoever. IV. That we should enjoy all our freedoms, in as just and ample manner as our ancestors did in the time of any of his best predecessors. V. That for the securing of this, the houses of commons might, if they thought fit, proceed by bill or otherwise.—Then he said, That these Messages of the king's being categorical, and their lordships Propositions but hypothetical, the commons had laid the latter aside, 'quia in præsentia majestas eorum potestas nimium.' And he said on, said the knight, why then their lordships heard from the commons no sooner about their Proposition.—He next said, That according to the king's Message, the commons had thought good to proceed in a parliamentary way; 'periculosum enim est, proborum virorum exempla non comprobare,' and, if their lordships would please to concur herein, they doubt not but the success will be happy. That they had drawn up a Petition of Right, according to antient precedents, and left space for the lords to join therein with them. And he affirmed, That this manner of proceeding, by petition, was the antient way, until the unhappy divisions between the houses of York and Lancaster".—After this Report was ended, the said Petition was twice read, and referred to a select committee of Lords, who were to meet that afternoon, and inform themselves of precedents of this kind.

May 9. The lord-keeper reported, That the committee had considered of the change of some words in the Petition, without alteration of the substance thereof. Then the said changes were read, which are not necessary here to insert, since they will follow after, when they come to be debated, between the two houses, afterwards.

The King's Letter to the Lords touching the Liberty of the Subject.] May 12. The duke of Buckingham delivered a Letter from the King, sealed with the royal signet, which was read first by the lord-keeper, and then by the clerk, viz.

"To our Right Trusty and Right Well-beloved, the Lords Spiritual and Temporal of the Higher House of Parliament.

"Charles R.—We, being desirous of nothing more than the advancement of the good and prosperity of our people, have given leave to free debate upon the highest points of our prerogative royal, which, in the time of our predecessors, kings and queens of this realm, were ever restrained as matters that they would not have disputed; and in other things we have been willing so far to descend to the desires of our good subjects, as might fully satisfy all moderate minds, and free them from all just fears and jealousies, which, those Messages we have hitherto sent to the commons house will well demonstrate unto the world; yet we find it still insisted upon, that, in no case whatsoever, should it ever so nearly concern matters of state or government, neither we, nor any of our council, here power to commit any man without the cause shewed; whereas it often happens, that, should the cause be shewed, the service itself would thereby be destroyed or hindered, and the cause alleged must be such as may be determined by the judge of our court of Westminster, in a legal and ordinary way of justice, whereas the causes may be such, as those judges have not capacity to examine, nor rules of law to direct and govern; but it in case of so transcendent a nature which happening so often, the very intermitting of that constant rule of government, practised for so many ages, within this kingdom, would soon dissolve the foundations and frame of our monarchy. Wherefore, to our commons we made fair Propositions which might equally preserve the just liberty of the Subject: so, my lords, we thought good to let you know, that, without the overthrow of our sovereignty, we cannot suffer this power to be impeached: notwithstanding, to clear our conscience and just intentions, this we publish, That it is not in our heart, nor will we ever extend our royal power unto us from God, beyond the just rule of moderation, in any thing which shall be contrary to our laws and customs, wherein the safety of our people shall be our only care. And we do hereby declare our royal purpose and resolution to be, which, God willing, we shall ever constantly continue and maintain, That neither we, nor our privy-council, shall or will, at any time hereafter, commit or command to prison, or otherwise restrain the person of any man for not lending money unto us, nor for any other cause which in our conscience doth not concern the public good and safety of us and our people: we will not be drawn from any cause, wherein our judgment and conscience are not satisfied; which base thought we hope no man can imagine, will fall into our royal heart: and, in all cases of this nature, which shall hereafter happen, we shall, upon the humble petition of the party, or advice of our judges unto us, readily and really express the true cause of their commitment or restraint, so soon as with conveniency and safety the same is fit to be disclosed and pressed: and that in all causes criminal, ordinary jurisdiction, our judges shall proceed to the [illegible] or hold plea of the prisoner according to the known and ordinary rules of the law of this land, and according to the statute of Magna Charta, and those other statutes enacted upon, which we do take knowledge stand in full force, and which we will not in any thing derogate or weaken against the true intention thereof. This we have thought fit to acquaint you with, rather to shorten any long debate upon this great question; the season

of the year being so far advanced, and our great occasions of state not landing many more days for longer continuance of this session of parliament Given under our signet, at our ce at Westm 12th of May, in the 4th year of our reign "

Confer ce on the King's Lette] The king's letter being read, a Message was immediately sent to the commons, for a present Conference between both houses in the Painted Chamber Which being agreed to, and the lords returned in it, the lord-keeper declared ' That, according to the direction of the house, he informed the commons of their lordships desire to continue a good correspondence with them. That they desired this conference to shew their eedings in the Petition of Right, presented their lordships by the commons, which, after much debate in the house, was referred to a select committee to be considered, ' Whether any thing, not altering the sense of the Petition, be wanted therein, so as it might be he ive from his majesty a gracious Answer ' That the committee returned to the house these Alterations, which are now offered to the commons, only narratively, and that they left cal point, in the said petition, concerning imprisonment without a cause expressed, to be tol by their house, but, before the lords had entered into it, they received a gracious letter from the king, this morning, which offers satisfaction to both houses therein, and re their lordships would proceed any further, they thought fit to acquaint them thereith.' That this being spoken, he, the lord-keeper, delivered unto the commons the said Petition of Right, and the Alteration thereof in paper; and that he, likewise, did deliver them a copy of the King's Letter and read original thereof, they acknowledging the d copy to agree therewith verbatim; and then he desired the commons to expedite this business, into which they answered, ' They came ith ears only.'

The r port being ended, the lords referred further consideration of this business to the rmon At which time, it was put to the question and agreed, That touching the point of ment, in the Petition, that house should leave the commons, That the Petition y be reduced, in the aforesaid point, within compass of what his majesty had offered his gra ious letter

The me day when the King's Letter was communicated to the commons, they held it e and sir Thos Wentworth said, ' It was er of grace but the people will only like that which is done in a parliamentary way, besides, the delive of it will spend much time, wherein is it directed to the house of , and the Petition of Right would all mistakes for, and he, some give t as if the house went about to pinch the 's prerogative '

Conference concerning the Pe | May 14th Both houses met conference; after which, the lord-keeper reported the effect thereof to the lords, viz. " 1st, His lordship repeated the heads of what he spake, according to the directions of the house, this morning in the entrance of the said conference, in this manner That at the last meeting, the lords made to the commons a Proposition of some Alterations to be made in the Petition; and that not but the commons have considered of them, and come prepared to confer That, at the same time, the commons were made acquainted with his majesty's Letter, and had a copy delivered them to consider of it, as the lords also promised to do That the lords have done accordingly, and taken into their thoughts, 1 The Proposition of ten ts of the commons concerning the Subject's Liberty 2 That part of the petition which c rns not 3 And, lastly, his majesty's Letter That, upon all these, they have not proceeded to any resolution exclusive or conclusive, nor to exclude the right or liberty of the subject, nor the Propositions or Petition concerning the same, nor yet to exclude the prerogative, or right of the king, but to conclude themselves from more mature resolutions. But upon consideration of the Letter, they find gracious intentions in the king, and declaration and good offices touching the liberty and freedom of the people That they have considered of the present affairs, that our coasts are infested by enemies, and likely to be more so, if there be no present preparations against them. That the state of the reformed religion abroad is miserable and distressed, and expects and depends on the success of this parliament, and therefore their lordships wish such a course to be taken as may best beget a right understanding between the king and his people. And, therefore, they have thought fit that the commons be moved, that the Petition concerning that point, for this time and session, be reduced into such a form as may be most agreeable to that which by this letter we may expect to have from the king."

The lord-keeper further reported, " That he having said thus much, sir Edw Coke, one of the commons house, answered and expressed their great joy, for that the lords held so good correspondence with them, which they would endeavour to continue, and proceeded to speak to their Petition; and of their lordships proposed Alterations and Amendments, and of the king's Letter, and said, That they had voted their Petition, and expected reason from the lords for those Alterations and that the letter is no answer in a parliamentary way, to their petition, &c First it will take up much time duly to consider thereof, and therefore to satisfy their lordships in the other part of the petition "

The lord-keeper also further reported, ' That sir D Digges, one of the commons, desired to have leave to resort to their house, and they would return speedily to the conference "— After some small stay, the commons returned to the conference and the lords continued the

lateral power [illegible]
[illegible] to him.

I am not able to speak [illegible]
I know not what it is.
[illegible] for the laws of England, and [illegible]
seems to be another distinct power
power of the law. I know how to
to the king's person, but not
power: and we cannot [illegible] to him
[illegible]power;' for we never were possessed
[illegible]

Mr. Hackwell. 'We cannot admit of these
with safety: they are applicable to all
of our Petition. It is in the nature of
and by it we shall imply as if we had
on his prerogative. All the laws
are without a saving, and yet now, a violation of them, must we add a saving
divers petitions where the subject
a right, yet there I never saw a saving
clause.'

Mr. Coke. 'This is magnum in parvo.
proponded to be a conclusion of our
It is a matter of great weight and,
plain', it will overthrow all our Petition, it tears the to all parts of it; it flies at
, at the Oath, at Imprisonment, and at
g of Soldiers, thus turns all about again.
Look into all the petitions of former times;
never petitioned other in there was a saving of the king's sovereignty. I know that
tive is part of the law, but 'Sovereign
is no parliamentary word. In my opinion it weakens Magna Charta, and all the
statutes, for they are absolute, without mentioning of 'Sovereign Power'; and I should wish
, we shall weaken the Foundation of
, if in the building must needs fall
he had it we yield unto Magna
rta such fellow, that he will have no
exception' [illegible] 'Sovereign' was
not in [illegible] Charta, in the confirmation
. If we [illegible] we give
Power
for a power with force
shall [illegible] power in the event,
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

vant h[illegible] A signiory,' th[illegible] in that roll that is now extant, but in [illegible] roll is not extant [illegible] 9th of Edw [illegible] was a confirmation of the charter. In the 34th of Edw 3 the parliament was called, and much stir there was about the charter, and renewing the articles; but there little was done. In 28 Edw 1, the commons, by petition or bill, did obtain the Liberties and Articles at the end of the parliament they were extracted out of the roll, and published and bound. The Addition was added in a parliament, but in the bill there was no 'saving.' Yet afterwards it was put in, and to prove this, though it is true there is no parliament-roll of that year, yet we have histories of that time, in the library at Oxford, there is a Journal of a Parliament of that very year which mentions so much; as also in the public library at Cambridge, there is in a MS that belonged to an abbey it was of the same year, 28 Edw 1 and it mentions the parliament and the petitions, and 'Articulos quos petierunt sic confirmavit rex, ut in fine adderet, salvo jure corona regis,' and they came in by proclamation. But, in London, when the people heard of this clause being added in the end, they fell into exceration for that addition, and the great earls, that went away satisfied from the parliament, hearing of this, went to the king, and afterwards it was cleared at the next parliament. Now, there is no parliament roll of this, in that time, only in the end of Edw 3. there is one roll that recites it.'

Reasons given by the Lords for their Addition.] The lords afterwards at a conference, tendered reasons to fortify their Addition, which were briefly reported to the commons that the lord-keeper said, 'That the Lords were all agreed to defend and maintain the just liberties of the subject, and of the crown, and that the word 'leave' was debated amongst them, and thereby they meant to give the king nothing new, but what was his before as to the words 'Sovereign Power,' as he is a king he is a sovereign, and must have power, and he said the words were easier than the word prerogative. As for the word 'that' it is relative and referred to that power, that is for the safety of the people; and thus, said he, can never grieve any man, being thus published it is not sovereign power in general. But now, in consultation of our reasons, he said, Magna Charta was not with a 'saving,' but, said he, you must not the words of Magna Charta, and there it needs an Addition.—As for the 4th Inst. he said there was a 'saving,' and an ill exposition cannot be made of it. And both Houses have agreed to an Addition, that the commons did it in a speech delivered by the Speaker, and that we should not thought to encroach on the king's sovereignty, and why may we not add in our petition?'

Mr. Mason's further advice thereto.] Upon this report, Mr. Mason spake as follows:—

'Mr. Speaker; In our Petition of Right we mention the laws and statutes; by which it appereth, that no tax, loan, or the like, ought to be levied by the king, but by common assent in parliament: that no freeman ought to be imprisoned but by the law of the land: and that no freeman ought to be compelled to suffer soldiers in his house. In the Petition we have expressed the breach of these laws, and desire we may not suffer the like; all which we pray as our rights and liberties. The lords have proposed an Addition to this petition, in these words whether we shall consent to this Addition, is the subject of this day's discourse: and because my lord keeper, at the conference, declared their lordships had taken the words of the Petition apart, I shall do so too. The word 'leave' in a petition, is of the same nature as 'saving' in a grant or act of parliament: when a man grants but part of a thing he saves the rest; when he petitions to be restored but to part, he leaveth the rest: then, in the end of our Petition, the word 'leave' will imply, that something is to be left of that, or at least with a reference to what we desire. The word 'entire' is very considerable. A conqueror is bound by no law, his hath power dire leges; his will is a law: and although William the Conqueror, at first, to make his way to the crown the more easy, and the possession of it more sure, claimed it by title; yet afterwards, when there were no powerful pretenders to the crown, the title of conquest (to introduce that absolute power of a conqueror) was claimed, and the statute of Magna Charta, and other statutes mentioned in our Petition, do principally limit that power. I hope it is not lawful for me to cite a Jesuit, as it is for Dr. Manwaring to falsify him. Suarez, in his first book, de Legibus, c. 17 delivereth his opinion in these words, 'Amplitudo & restrictio potestatis regum, circa quæ per se nulla vel imposita non sunt, pendent ex arbitrio hominum, & ex ambitione conventionis, vel pacto, inter reges & regnum.' And he further expresseth his opinion, that the king of Spain was not absolute a monarch, that he might impose tribute without consent of his people, until about 500 years since, when it was concluded between him and his people, that without consent of his people by prinxies, he should not impose any tribute. And Suarez's opinion is, that, by that agreement, the kings of Spain are bound to impose no tribute without consent.—And this agreement that author calls a restraining of that 'Sovereign Power.' The statutes then, mentioned in our Petition, restraining that absolute power of the conqueror; if we note those statutes, and say, we 'leave' part of that Sovereign power,' we do take away that restraint, which is the virtue and strength of those statutes, and do hereby set at liberty this claim of sovereign power of a conqueror, which then will be limited and restrained by no laws: this may be the danger of the word 'leave.' The next word delivered by the

Continued from the next page

lords as observable, is the particle 'that' [illegible] is said, that all sovereign power is [illegible] mon ened to be left, but only that with w[illegible] the king is trusted for our protection, safety, and happiness; but I conceive this to be [illegible] exception of all sovereign power; for all [illegible] sovereign power in a king, is for the protection, safety, and happiness of his people. If all sovereign power be excepted, you may easily judge the consequence; all loans and taxes being imposed by colour of that 'sovereign power.' The next word is 'trusted,' which is very ambiguous; whether it be meant trusted by God only, as a conqueror; or by the people also, as a king; who is to govern also according to laws, ex pacto. In this point, I will not presume to adventure further; only I like it not, by reason of the doubtful exposition it admits.—I have likewise considered the proposition itself, and therein I have fallen upon a dilemma, that this Addition shall be construed, either to refer unto the Petition, or not: if it do not refer unto the Petition, it is merely useless and unnecessary, and unbefitting the judgment of this grave and great assembly to add to a Petition of this weight. If it hath reference unto it, then it declares not only the virtue and strength of our Petition of Right, but our rights themselves for the Addition, being referred to each part of the Petition, will necessarily receive this construction, viz. That none ought to be compelled to [illegible] any gift, loan, or such like charge, without common consent, or act of parliament, unless it be by the 'sovereign power,' with [illegible] the king is trusted for the protection, [illegible], and happiness of his people: that none [illegible] be compelled to sojourn or billet soldiers, unless by the same sovereign power: and so of the rest of the rights contained in the Petition. Then the most favourable construction will be, that the king hath an ordinary power, and by that he cannot impose [illegible] or imprison, that is, he cannot impose taxes in his will, or employ them as he pleaseth: but that he hath an extraordinary and transcendent 'sovereign power,' for the protection and happiness of his people; and for such purposes may impose taxes, or billet soldiers as he shall think fit. And we may assure ourselves, that hereafter all loans, taxes, or billeting of soldiers, will be said to be for the protection, safety, and happiness of the people: certainly, hereafter, I will be convinced, that no house of parliament would have made an unnecessary Addition to this Petition of right; and therefore it will be resolved, That the Addition hath relation to the Petition, which will have such [illegible] as I have formerly declared: and I [illegible] whether it, because the late loan [illegible] that hath been declared to have been by [illegible] power,' for the good of our [illegible] and that he doubtful whether this proposition hath [illegible] to the Petition or not, I [illegible] to judge whether loans or impositions hereafter be by that sovereign power or not?—A parliament, which is a body [illegible] made up of several wits, and may be dissolved [illegible] by one commission, cannot be certain to decide this question: we cannot resolve that. If the judges shall determine the words of the king's Letter read in this house, viz. 'That the cause of commitment may be such, that the judges themselves have not capacity of judicature, nor rules of law to direct and guide their judgments in cases of that transcendent nature;' why then the judges, and the judgments, may be easily conjectured. It hath been confessed by the king's council, that the statute of Magna Charta binds the king, then it binds his sovereign power; and here is an Addition of saving the king's 'sovereign power'—I shall next endeavour to give some answer to the Reasons given by the lords. The 1st is, That it is the intention of both houses, to maintain the just liberty of the subject, and not to diminish the just power of the king; and therefore the expression of that intention in this Petition, cannot prejudice us. To which I answer: 1st, That our intention was, and is, as we then professed; and no man can assign any particular in which we have done to the contrary; neither have we any way transgressed in that kind in this Petition and if we make this Addition to the Petition, it would give some intimation, that we have given cause or colour of offence therein; which we deny, and which if any man conceive so, let him assign the particular, that we may give answer thereunto. By our Petition, we only desire our particular rights and liberties to be confirmed to us; and, therefore, it is not proper for us to mention therein 'sovereign power' in general, it being altogether impertinent to the matter of the Petition. There is a great difference between the words of the Addition, and the words proposed therein as the reason thereof, viz. between just power, which may be conceived to be trusted by law, and 'sovereign power,' which is supposed to be transcendent and boundless. The 2nd reason, delivered by their lordships, was, That the king is sovereign, that as he is sovereign, he must have power, and that this 'sovereign power' is to be left. for my part, I would not have it, as not to mention it, but if it should be expressed to be left in this Petition, as it is proposed, it must admit something to be left in the king of what we pray, or at least admit some sovereign power in his king. in these privileges which we claim to be our right; which would frustrate our Petition and destroy our right, as I have formerly shewed. The 3rd reason given for this Addition, was, That in the statute of 'Articuli super Chartas,' there is a saving of the dignity of the crown. To which I give this answer, That Magna Charta was confirmed above 30 times; and a general saving was in none of these acts of confirmation, but in the last, and I see no cause we should follow one ill, and not 30 good precedents; and the rather, because that saving produced ill effects, that are well known. That saving was by act of

[illegible] must be right [illegible] [illegible] [illegible]

in justification of their refusal, to admit, into their Petition, the Addition recommended by your lordships; which reasons of the commons, since they have not given such satisfaction to your lordships as they desired, and well hoped, (as by the lord-keeper's answer appeared) it is thought fit, for their better order and method in replying, to divide the lord-keeper's answer into two parts, a legal, and a rational. The reply to the legal part your lordships have now heard. Myself came instructed to reply to the rational, which, also, consisteth of two branches: the 1st deduced from the whole context of the Additional Clause; the 2nd enforced out of some special words of it.—In the former are these reasons why the same deserved to be accepted of by the commons: 1st, because it would afford good satisfaction to the king & [illegible] your lordships. 3. It was agreeable to what the commons themselves had often protested, and expressed by the mouth of their speaker. To avoid all misunderstandings and misconstruction, which, otherwise, might be taken against the commons, upon the refusal of the propounded Addition, I will first state the question, and open the true point of difference between your lordships and us, which, indeed, is not, as is conceived, touching the truth of this Addition, in the quality of a proposition for, so considered, we, as well and as heartily as your lordships possibly can do, agree it to be a true proposition.—Wherefore, give me leave to rehearse that oath, which every member of the house of commons hath taken this session; and doth take every parliament, viz. 'I, A B, do utterly testify and declare in 'my conscience, that the king's highness is the 'supreme governor of this realm in all causes, '&c. and to my power will assist and defend all 'jurisdictions, privileges, pre-eminences, 'and authorities, granted or belonging to the 'king's highness, or united or annexed to the 'imperial crown of this realm.' So that your lordships need not to borrow, from our protestations, any exhortations to us to entertain a writing in assistance of the king's sovereign power since we stand obliged, by the most sacred bond of a solemn oath, to assist and defend the same, if cause or occasion be required. The only question and difference is this, whether this Addition shall be received into our Petition, as any part thereof; which to do, your lordships reasons have not persuaded us; because, so to admit it were to overthrow the very fabric and substance of our Petition of Right. For these words being added to our Petition, viz. 'We humbly present this Petition to your majesty, &c. with due regard to leave entire 'that' sovereign power,' &c. do imply manifestly no exception to our Petition. And such an exception, as being of the nature of the thing whereunto it is an exception, 'Excepta est de Regula,' must, of necessity destroy the Petition, so far as to the case excepted. 'Ea quæ sunt firmat regulam in casibus non exceptis, in casibus exceptis destruit regulam.' That this Addition, being joined to our Petition, must produce this construction, viz. 'We pray [illegible] no freeman may be compelled, by imprisonment, to lend money to his maj. without assent in parliament; nor be imprisoned without a cause expressed; nor receive soldiers into his house against his will; nor undergo a commission of martial law for the time and number in time of peace, &c. except his maj. be pleased to require our monies, and imprison us without cause shewed, and put soldiers into our houses, and execute martial law upon us in time of peace, by virtue of his Sovereign Power.' By which construction, (necessarily following, upon this Addition) our right in the premises is annihilated and the effect of the Petition frustrated.—Neither may it seem strange, that this Addition, which of itself, in quality of a proposition, we confess to be most certain and true, being added to our Petition, (which is also true) should overthrow the very frame and fabrique of it: seeing the logicians take knowledge of such a fallacy, called by them 'Fallacia à bene divisis, ad male conjuncta.'—The 2nd part of my lord-keeper's rational part, was inferred out of the last words of this Addition, by which his lordship said, that they did not 'leave entire' all 'Sovereign Power,' but that only, wherewith his maj. is trusted for the protection, safety, and happiness of his people. As if he would infer, 'that Sovereign Power wherewith,' &c. in this place to be Terminum diminuentem, and in that consideration would induce us to accept it; but under his lordships correction, we cannot so interpret it: for, 1st, We are assured that there is no such distinction of Sovereign Power; as if some Sovereign Power was for the happiness and protection of the people, and some otherwise; for all Sovereign Power, whether trusted by God or by man, is only 'ad salutem & pro bono populi regi commissa.' 2ndly, In this place, these words 'Sovereign Power,' wherewith his maj. is trusted for the happiness of the people, are so far from having the force of 'Terminu diminuentis,' that as of words of qualification or limitation; that in truth they are terms of important ordinance against our Petition; obliging us, whensoever his maj.'s Sovereign Power shall be exercised upon us, in all or any the particulars mentioned in this Petition, to submit thereunto without further inquiry, as taking it pro confesso, that it conduced to our protection, safety, and happiness.—Having spoken this, in reply to the rational part, whereby the lord-keeper laboured to persuade us to entertain this Addition, the commons, desirous to gain your lordships absolute conjunction with them in presenting this Petition, hath commanded me to deliver you these reasons or arguments also.—The first drawn from the persons of the petitioners, the house of commons; whose moderate and temperate carriage in this parliament, be it spoken without vanity and yet in much modesty, may seem to deserve your lordships assistance in this Petition, ex congruo & con-

Printed made Parliament by the Lords and Commons in the Parliament of 1628

…t especially if you would be pleased to … the discontents, pressures and griev… under which much … in great num… and the part for which they serve, lamentably groaned, when the … arised here… and which was daily represented unto them by frequent packets and advertisements, out of … countie… all which, … withstanding … e not been able to … pend upon our most … deration, or … ance our … to give … our discretions and the same vote … smooth in … hearts, in our hands, and in our tongues; … op… th in the mould of this Petition; … reis… we give … nce, but … y may be better … hereafter.—Why … we not ignorant in what language our … predecessors were wont to express themselves upon much … r occasion, and in what stile they … ed their Petitions … less humble and … e than ours … e … ? … e … to … quo… to inventors of … hanishments, executions of other offend…, … , … , … ,

Petition, reconciled and [illegible] with the body of the same, [illegible] necessary assistant, for the saving [illegible] restrictive since the moderation [illegible] desires their lordships should [illegible] with us, since this Addition [illegible] for the time, and unpregnant in regard place which their lordships will have [illegible] need last, since it is neither agreed [illegible] such assertion, nor answerable [illegible] duty which we owe to his majesty's [illegible] ter of such unspeakable consequence, [illegible] annexed) to admitting this Addition [illegible] Petition. I must conclude with a most [illegible] and affectionate prayer, that you would [illegible] please to join with the commons, in presenting their Petition unto his majesty as it is by them concerned, without this Addition."

These two reports being ended, the house deferred the debate on the reasons contained in them, to another time; but as the lord president had reported, That the commons would not have disliked such a Proposition as the Addition is by itself, separated from the Petition, to which it was no way to relate, the house was therefore moved to treat with them again, to consider of it in other way, either by remonstration, declaration, or protest. Another conference was hereupon desired, to propose this the result and report of which, the next day was, "That the commons desired to treat of accommodation by a committee, as was proposed by the lords, for these reasons, 1. That the business was of so great weight, as appears by the long deliberation in the house, and in the lords' house and in the lords, and their own [illegible] sisted in their whole body, but a short [illegible] rows. 2. Their house was confident, that the Petition, rightly taken, needed no [illegible] declaration. 3. Their great desire to [illegible] faith to his majesty and to his people, [illegible] with all possible speed, which would be deferred by this treaty of accommodation wherefore they desired their lordships to consider this, and also the clearness in the Petition."

After this [illegible] came on, but nothing was concluded [illegible] day.

The Lords at length give up their Addition.] May 26. The lords went again upon this affair, when their committee for accommodation was ordered to withdraw, and consider of somewhat, at least, to clear themselves from any design to restrain the just prerogative of the crown. Soon [illegible] time after they returned, and brought in a [illegible] Declaration which they had drawn up, which we read in these words:—

"[illegible] it has our most excellent majesty, [illegible] the lords spiritual and temporal, in [illegible] last court of parliament assembled, the humble and [illegible] of both houses of parliament, [illegible] them, with [illegible] supremacy, we have sworn [illegible] and [illegible]

This Declaration was read 3 times put to the question, and assented to, and the lord [illegible] to go with the [illegible]

[illegible] Petition of Right, with only two [illegible] which the latter had before [illegible] Another circumstance was then [illegible] the bird keeper delivered [illegible] —

[illegible] that are knights, citizens [illegible] house of commons, I have [illegible] parliament, by command [illegible] tired the great zeal and [illegible] lords have to maintain and [illegible] concurrence and correspondency [illegible] hitherto continued between [illegible] we might be a happy and [illegible] for the common good of [illegible] now, that which I have [illegible] from my lords, is to let you [illegible] preaching is not a profession [illegible] word [illegible] really and indeed, concerning the Petition which hath been long in agitation, as the [illegible] the cause required. Since the [illegible] my lords have taken it in [illegible] instant consideration; and [illegible] upon a resolution, which I [illegible] with. The lords have [illegible] with you in omnibus, and [illegible] with you in yes Petition [illegible] the word 'humble' [illegible] the word 'pretest,' [illegible] 'humble' to be put out, be [illegible] warrantable by the laws [illegible] what between them [illegible] that concerning [illegible] nothing new, but [illegible] in your hands, ye will, [illegible] as they have [illegible] ; and my [illegible] that the king be moved [illegible] access to present the same to his [illegible] After some pause, he said, "There [illegible] which my lords have commanded [illegible] in regard this Petition toucheth [illegible] charges raised by the lords lieutenants and other persons, many times for good use, in the service and safety of the kingdom, to take it into your care and consideration, and provide a law for assessing of such charges, as the occasion of the time shall require."

But before the conference was held, the lords sent the duke of Buckingham to the king, to know when it [illegible] would be pleased to admit their house to deliver the Declaration to him, who [illegible] ing, his grace said, 'That the [illegible] nothing to be [illegible] that he had [illegible] lords to come presently.' When [illegible] was done, but nothing [illegible] in the Journals about it.

May 27. The lords sent a message to the Lords, Sir Edw. Coke, and others, "To render them their hearty thanks, for their [illegible] with them all [illegible] that they acknowledged [illegible] lordships had truly dealt nobly with [illegible] in deeds." That this Petition, when it [illegible] were now to deliver, contained the true liberties of the subject of England, and the preservation of the Great

[illegible] Benevolence, nor by such like [illegible] the statutes before mentioned, and other the good laws and statutes [illegible] your subjects have inherited [illegible] and they should not be compelled to contribute to any tax, tallage, aid, or other like charge not set by common consent in [illegible] nevertheless, of late, divers commissions directed unto [illegible] commissioners in [illegible] have issued forth, by reason whereof, your people have been [illegible] places assembled and required to lend unto your Majesty certain sums of money unto your Majesty, and many of them, upon their refusal so to do, have had taken unadvisedly and contrary to the laws and statutes of this your realm, and otherwise than is warrantable by the laws and statutes of this realm, and have been constrained to become bound to make appearance, and give attendance before your privy council, and in other places, and others of them have therefore been imprisoned, confined, and sundry other ways molested and disquieted; and divers other charges have been laid and levied upon your people, in several counties, by lords lieutenants, deputy lieutenants, commissioners for musters, justices of peace, and others, by command or direction from your Majesty or your privy council, against the laws and free customs of this realm — And whereas also, by the statute called The Great Charter of the Liberties of England, it is declared and enacted, that no freeman may be taken or imprisoned, or be disseised of his freeholds or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land. And in the 25th year of the reign of king Edward III. it was declared and enacted by authority of parliament, that no man, of what estate or condition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by due process of law — Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned, without any cause shewed, and when, for their deliverance, they were brought before your justices, by your Majesty's writs of Habeas Corpus, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the lords of your privy council, and yet were returned back to several prisons, without being charged with any thing, to which they might make answer by the process of law — And whereas of late, great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants, against their wills, have been compelled to receive them into their houses, and there to suffer them to sojourn against the laws and customs of this realm, and to the great grievance and vexation of the people — And whereas also, by authority of parliament, in the 25th year of the reign of king Edward III. it is declared and enacted, that no man shall be forejudged of life or limb against the form of the Great Charter and other the laws and statutes of this realm; and by the said Great Charter and other the laws and statutes of this your realm, no man ought to be adjudged to death, but by the laws established in this your realm, either by the customs of the same realm, or by acts of parliament: and whereas, no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm: nevertheless, of late, divers commissions, under your Majesty's great seal, have issued forth, by which, certain persons have been assigned and appointed commissioners with power and authority to proceed, within the land, according to the justice of martial law, against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanor whatsoever, and by such summary course and order, as is agreeable to martial law, and is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death, according to the martial law by pretext whereof, some of your Majesty's subjects have been, by some of the said commissioners, put to death; when and where, by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to have been adjudged and executed — And also, sundry grievous offenders by colour thereof, claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused, or forborn to proceed against such offenders, according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid; which commissions, and all others of like nature, are wholly and directly contrary to the said laws and statutes of this your realm — They do therefore, humbly, pray your most excellent Majesty, That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament; and that none be called to make answer, or make such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or the refusal thereof; and that no freeman, in any such manner as is before-mentioned, be imprisoned or detained: and that your Majesty will be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come; and that the aforesaid commissions, and all other of like nature may hereafter be revoked and annulled, and that

to any person or persons whatsoever, ... aforesaid, lest, by colour of ... of your majesty's subjects be de... put to death, contrary to the laws ... franchise of the land.—All which they ... humbly pray of your most excellent maj... Rights and Liberties, according to the ... and statutes of this kingdom; and that your ... would also vouchsafe to declare, That the ... doings and proceedings, to the pre... of your people, in any of the premisses, ... be drawn hereafter into consequence ... or example; and that your majesty would be ... graciously pleased, for the further declaration and ... safety of your people, to declare your royal ... and pleasure, that, in the things aforesaid, ... your officers and ministers shall serve you, ... according to the Laws and Statutes of this ... realm, they may further the happiness of your ... and the prosperity of this kingdom."

THE KING'S ANSWER.

"The King willeth, that Right be done ac... cording to the laws and customs of the realm, ... and that the statutes be put in due execution, ... that his subjects may have no cause to com... plain of any wrongs or oppressions, contrary to their ... Rights and Liberties, to the preserva... tion whereof, he holds himself in conscience ... and of his own royalty."

Before we proceed to give an account how the commons relished the King's Answer to their ... Right ... to ... which happened about this time, ... proved of some consequence in the ... sequel.

Mr Rouse's Charge against Dr. Manwaring.] ... Mr ... Rouse, ... Chancellor of ... he ... Dr Roger Manwaring, who some ... after was seconded with a declaration, ... which he delivered in the manner:—"Mr ... Speaker, I ... to ... Mr Manwaring, ... but a man so ... commons, ... he hath turned the tables into accusation ... the better ... are, the worse ... fashion ... Here is a great thing that ... hath made great changes in ... Serpent ... he ... become ... hating ... Here is ... great one ... the trunk and branch of the ... commonwealth. This is the man ... hath ... ...

[illegible] Grievances [illegible] both general and particular, as if [illegible] had never before been mentioned. T[illegible] short abstract of it in the Collections, [illegible] the following copy of it at large, as taken from sir John Napier's M.S

Sir J. Elliot recapitulates all their Grievances.] Sir John Elliot rose and said—"Mr. Speaker, We sit here as the great council of the king, and in that capacity it is our duty to take into consideration the state and affairs of the kingdom; and where there is occasion, to give them a true representation by way of counsel and advice, with what we conceive necessary or expedient for them. In this consideration, I confess, many a sad thought hath affrighted me; and that not only in respect of our dangers from abroad, which yet I know are great, as they have been often in this place prest and dilated to us, but in respect of our disorders here at home, which do inforce those dangers, and by which they are occasioned: for, I believe, I shall make it clear unto you that both, at first, the cause of these dangers were our disorders, and our disorders now are yet our greatest dangers; and not so much the potency of our enemies, as the weakness of ourselves do threaten us; and that saying of the father may be assumed by us; 'Non tam potentia sua quam negligentia nostra.' Our want of true devotion to heaven, our insincerity and doubling in religion, our want of councils, our precipitate actions, the insufficiency or unfaithfulness of our generals abroad, the ignorance or corruptions of our ministers at home, the impoverishing of the sovereign, the oppression and depression of the subject, the exhausting of our treasures, the waste of our provisions, consumption of our ships, destruction of our men. These make the advantage to our enemies, not the reputation of their arms. And if in these there be not reformation, we need no foes abroad; time itself will ruin us.'—To shew this more fully, I believe, you will all hold it necessary, that they seem not an aspersion on the state, or imputation on the government, as I have known such actions misinterpreted; but in as this from me to propose, who have none but clear thoughts of the excellency of the king, nor can have other ends but the advancement of his majesty's glory. I shall detain a little of your patience (sir) to hear to open the particulars; which I shall do with what brevity I may, answerable to the importance of the cause and the necessity now upon us; yet with such respect and observation to the time, as I hope it shall not be thou lt troublesome.—For the first then, our insincerity and doubling in Religion is the greatest and most dangerous disorder of all others; this hath never been unpunished, and of this we have many strong examples of all states, and in all times, to give us. What testimony doth it want? Will you have authority of books? Look on the collections of the committee for Religion, there is too clear an evidence. See then the commission procured [illegible] corruption with the Papists in the North

choice hereafter be not prevented, I could willingly be silent: but my duty to my sovereign, my service to this house, and the safety and honour of my country, are above all respects and what, so nearly, trenches to the prejudice of this, must not, shall not, be forborn. At Cadiz then, in that first expedition we made, when we arrived and found a conquest ready, the Spanish ships I mean not for the satisfaction of a voyage, and of which some of the chiefest, then there themselves, have since assured me that the satisfaction would have been sufficient, either in point of honour, or in point of profit why was it neglected? Why was it not atchieved, it being of all hands granted, how feasable it was? After, when with the destruction of some of our men, and with the exposition of some others, (who though their fortune since have not been such,) by chance came off when, I say, with the loss of our serviceable men, that unserviceable fort was gained, and the whole army landed; why was there not all one done? why was there nothing attempted? It nothing was intended, wherefore did they land? If there was a service, wherefore were they ship'd again?—Mr Speaker, it satisfies me too much in this, when I think of their dry and hungry marches into that drunken quarter, (for so the soldiers termed it,) where was the period of their journey; that divers of our men, being left as a sacrafice to the enemy, that labour was at an end —For the next undertaking, at Rhée, I will not trouble you much; only this in short was not that whole action carried against the judgment, and opinion of those officers, that were of the council? Was not the first, was not the last, was not all, in the landing, in the intrenching, in the continuance there, in the assault, in the retreat, without their assent? Did any advice take place of such as were of the council? If there should be made a particular inquisition thereof, these things will be manifest, and more I will not instance the Manifesto that was made for the reason of these arms; nor by whom, nor in what manner, nor on what grounds it was published, nor what effects it had wrought, drawing, as it were, almost the whole world into league against us nor will I mention the leaving of the Wines, the leaving of the Salt which were in our possession, and of a value, as 'tis said, to answer much of our expence; not that great wonder which no Alexander or Cæsar ever did, the ransoming of the enemy by courtesies when our soldiers wanted help nor the private intercourses and parlies with the Fort, which continually were held what they intended may be read in the success, and upon due examination thereof they would not want their proofs —For the last Voyage to Rochelle, there needs no observations, it is so fresh in memory nor will I make an inference or corollary on all Your own knowledge shall judge what truth, or what sufficiency they express.—For the next, the Ignorance and Corruption of our Ministers, where can you miss of instances? If you survey the court, if you survey the country; if the church, if the city be examined; if you observe the bar, if the bench; if the ports, if the shipping; if the land, if the seas all these will render you variety of proofs, and that, in such measure and proportion, as shews the greatness of our disease to be such, that, if there be a some speedy application for remedy, our case is almost desperate —Mr. Speaker, I fear I have been too long in these particulars that are past, and am unwilling to offend you, therefore in the rest I shall be shorter: and in which concerns the impoverishing of the kingdom no other arguments will I use, than such as all men grant. The Exchequer, you know, empty, and the reputation thereof gone; the antient lands are sold; the jewels pawned; the plate engaged, the debts still great; almost all charges, both ordinary and extraordinary borne up by projects what poverty can be greater? what necessity so great? what perfect English heart is not almost dissolved into sorrow for this truth?—For the Oppression of the Subject, it needs no demonstration, the whole kingdom is a proof; and for the exhausting of our treasures, that very oppression speaks it. What waste of our provisions, what consumption of our ships, what destruction of our men have been; witness that Journey to Algiers—witness that with Mansfield—witness that to Cadiz—witness the next—witness that to Rhée—witness the last (I pray God we may never have more such witnesses) Witness likewise the Palatinate—witness Denmark—witness the Turks—witness the Dunkirkers—witness all. What losses we have sustained, how we are impaired in munition, in ships, in men! It is beyond contradiction, that we were never so much weakened, nor ever had less hope how to be restored —These, Mr Speaker, are our dangers, these are they which do threaten us; and these are like the Trojan horse brought in cunningly to surprize us: in these do lurk the strongest of our enemies, ready to issue on us, and if we do not speedily expel them, these are the signs, these the imitations to others: these will so prepare their entrance, that we shall have no means left of refuge or defence: for we have these enemies at home, how can we strive with those that are abroad? If we be free from these, no other can impeach us? Our antient English virtue, like the old Spartan valour, cleared from these disorders; our being in sincerity of religion and once made friends with Heaven, having maturity of councils, sufficiency of generals, incorruption of officers, opulency in the king, liberty in the people, repletion in treasure, plenty of provisions, reparation of ships, preservation of men our antient English virtue, I say, thus rectified, will secure us, and unless there be a speedy reformation in these I know not what hopes or expectations we can have —These are the things, Sir, I shall desire to have taken into consideration, that as we are the great council of the kingdom, and have the apprehension of these dangers, we may

truly represent them unto the king; wherein, I conceive, we are bound by a treble obligation, of duty to God, of duty to his majesty, and of duty to our country.—And therefore I wish it may so stand with the wisdom and judgment of the house, that they may be drawn into the body of a Remonstrance, and in all humility expressed, with a prayer unto his maj. That, for the safety of himself, for the safety of the kingdom, and for the safety of religion, he will be pleased to give us time to make perfect and settle them thereof, or to take them into his own wisdom, and there give them such timely reformation as the necessity and justice of the case doth import. And this, sir, with a large affection and loyalty to his maj. and with a true duty and service to my country, I have said briefly, and it may be with some disorder, expressed the weak apprehensions I have; wherein, if I have erred, I humbly crave your pardon, and so submit myself to the censure of the house."

Rushworth observes, 'That many of the members thought it not sortable to the wisdom of the house, in that conjuncture, to begin to recapitulate those misfortunes which were now obvious to all; accounting it more discretion not to look back but forward; and, since the king was so near to meet them, that the happiness they expected might not be lost. and that were for petitioning his maj. for a fuller Answer.' It was intimated by sir Hen. Martin, 'That this speech of sir J. Elliot was suggested from disaffection to his majesty.' And there wanted not some who said, 'It was made out of dislike to his majesty's Answer to their Petition' but sir J. Elliot protested the contrary, and that himself and others had a resolution to move these Grievances, to rectify before them, only they stood for an opportunity which agreement of sir J. Elliot was attested by sir Tho. Wentworth and sir Rob. Philips.—In this debate sir Edw. Coke proposed, 'That an humble Remonstrance be presented to his maj. touching the present dangers, and the means of safety both for the king and kingdom, which was agreed to by the house: and thereupon the committee for the bill of Subsidies was ordered to prepare the said remonstrance.'—In all, or most of these debates, the serjeant was ordered to attend in the outside of the door of the house, and no man was to stir to go out, upon penalty of being sent to the Tower.

Sir B. Rudyard's Speech for better Maintenance of the Inferior Clergy.] About this time a committee, of which Mr Pym was chairman, being appointed to consider of a bill for the better maintenance of the inferior Clergy,

Sir *Ben. Rudyard* made the following speech.—"Mr. Pym, I did not think to have spoken to this bill, because I was willing to believe that the forwardness of my countrymen would have prevented me; but now I hold myself bound to speak, and to speak in earnest. In the first year of the king, and the parliament convention, I first moved for the increase and enlargement of poor Ministers Livings; I showed how necessary it was, though it had been neglected: this was also commended to the house by his maj. There being then, as now, many accusations on foot against scandalous ministers, I was bold to tell the house, that there were also scandalous livings, which were much the cause of the other; livings of five pounds, nay even five marks a year; that most of worth and parts would not be mantled to such pittance; that there were some such places in England, as were—in all Christendom beside, where God was better known than amongst the Indians. I examined it in the utmost skirts of the North, where the parishioners of the common people are most ignorant and barbarous; that the blindness and ignorance is in divers parts of Wales, which many in that country do think and lament. I also declared, that to plant good ministers was the surest and surest mean to establish true religion, that it would prevail more against Popistry, than the making of new laws, or executing of old, that it would counter-work court-connivance and like-warm accommodation; that though the teaching of ministers be never so religious within, the outward poverty will bring contempt upon them, especially among those, who measure them by the ounce, and weigh them by the pound, which indeed is the wisest part of men. Mr Pym, I am not at all tufty in, being in Germany, I was exceedingly scandalized to see the poor pendulary ministers of the reformed churches there, despised and neglected by reason of their poverty, being—very mean and kind men. I am afraid there is a spice of the barbarism of Germany, which ought to be a warning to us. I have heard many objections and cavillations, even to impossibilities against this bill. To him that is unwilling to give, there is ever a hair or a hole in the way. First let us make ourselves willing, then will the way be easy and smooth. I have observed, that we are always very eager and fierce against popularity, against scandalous ministers, and against things which are not so much in our power. I should be glad to see that we did deal as well in rewarding as in punishing, and in undertaking matters within our reach, as this is absolutely within our power, and ourselves are near us, others are further off. I do not speak this, that I dislike the destroying and plucking down of that which is ill, but then let us build and plant and look up that which is good to be found, for that would be desolate. Like but as the greatest part of darkness and the clouds do recede, but—upon the appearance of the sun, so I doubt not but we may say that day breaks, but not

...which were ...
...might ... ex-
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... House to re-
... Message from
... by the
... Lords,
... of grace, for
... just cause to
... to a conclu-
... his majesty
... is he doth re-
... without further
... royally and really
... doth thereby promi-
... resolves to end this
... 11th of this month;
... doth, that the house would
... those businesses, which may
... unto a happy conclusion,
... new matters; and so hum-
... that his maj. may, with the
... as speedily together again;
... there be any further Grievance
... ed or expressed in the Pe-
... more maturely considered
... in permit."

... *mmons against Dr Man-*
... ding of this Message, the
... ing any notice of it, pro-
... on against Dr. Man-
... the same day presented to
... ence between the commit-
... both houses and Mr Pym was ap-
... d by the commons to manage that con-
... ce.—The Declaration was as follows.

"The DECLARATION of the COMMONS against ROGER MAINWARING, Clerk, Doctor in Divinity.

"For the more effectual prevention of the ... ruin and destruction of this kingdom, ... must necessarily ensue, if the good and ... fundamental laws and customs, therein esta-... lished, should be brought into contempt and ... violated, and that form of government thereby ... altered, by which it hath been so long main-... tained in peace and happiness, and to the ho-... nour of our sovereign lord the king, and for the ... preservation of his crown and dignity, the commons in this present parliament assembled, do, by this their bill, shew and declare against Roger Mainwaring, clerk, D. D. that whereas, by the laws and statutes of this realm, the free subjects of England do undoubtedly inherit this right and liberty, not to be compelled to contribute any tax, tallage, or aid, or to make any loans, not so or imposed, by common consent, ... act of parliament; and whereas divers of ... 's loving subjects, relying upon the said laws and customs, did, in all humility, refuse to lend such sums of money, without authority of parliament, as were lately required of them; nevertheless he, the said Roger, in contempt, and contrary to the laws of this realm, hath lately preached in his maj.'s presence, two ser-

—— that is to say, th—th of Ja— —— and sermons; and, the 29th —th, the other, both which he —— in print, a— book enti— —n and Allegan— mind,' with a malicious intention t— —nce and —— counsel— of ki— —g, ouching —— of the laws and statutes of this —— the rights and liberties of —— ——ctuous and ——ld ——e against —— the ——n ——, to scandalize, —— and impeach the g— —— —t of this realm, and the ——r of high court of parliament. —— heart from his p— —— sedition, and —— he said R— —— book, persuade ——— —— his maj— is not bound to —— and observe good law— and ——, concerning the rights and —— aforementioned. —— command in imparting —— —— assistance in his people, —— ——ment, d— —— refuse th— sum, —— That those of his ma—'s —ing subjects, who refused the Loan aforesaid, —— ——n of fond against the Duke of God, and —— ——jes— ——, ——, ——, and disobedience, and liable to many —— ——, which ——— ——— ———

ed from taxes and loans, not granted by common consent of parliament, was not introduced by any statute, or by any charter or sanction of princes, but was the antient and fundamental law, issuing from the first frame and constitution of the kingdom. 3. That this Liberty of the Subject is not only most convenient and profitable for the people, but most honourable and necessary for the king, yea, in that point of Supply, for which it was endeavoured to be broken. As for the 1st position, The best form of government is that, which doth actuate and dispose every part and member of a state to the common good; and as those parts give strength and ornament to the whole, so they receive from it again strength and protection in their several stations and degrees. If this mutual relation and intercourse be broken, the whole frame will quickly be dissolved, and fall in pieces, and, instead of this concord and interchange of support, whilst one part seeks to uphold the old form of government, and the other part to introduce a new, they will miserably consume and devour one another. Histories are full of the calamities of whole states and nations in such cases. It is true, that time must needs bring about some alterations, and that every alteration is a step and degree towards a dissolution; those things only are eternal which are constant and uniform therefore it is observed by the best writers on this subject, that those common-wealths have been most durable and perpetual, which have often reformed and recomposed themselves according to their first institution and ordinance; for by this means they repair the breaches and counterwork the ordinary and natural effects of time.—The 2nd is as manifest. There are plain footsteps of those laws in the government of the Saxons; they were of that vigour and force as to overlive the Conquest; nay, to give bounds and limits to the conqueror, whose victory gave him first hope; but the assurance and possession of the crown he obtained by composition; in which he bound himself to observe these, and the other antient laws and liberties of the kingdom, which afterwards he likewise confirmed by oath at his coronation; and from him the said obligation descended to his successors. It is true they have been often broken, but they have been often confirmed by charters of kings, and by acts of parliaments. but the petitions of the subjects, upon which those charters and acts were founded, were ever Petitions of Right, demanding their antient and due liberties, not suing for any new.—To clear the 3rd position may seem to some men more a paradox, That those liberties of the subject should be so convenient and profitable to the people, and yet most necessary for the supply of his king. It hath been, upon another occasion, declared, that if those liberties were taken away, there would remain no more industry, no more justice, no more courage, for who will contend, who will endanger himself, for that which is not his own? But, he said, he would not insist upon any of those points, nor upon others equally important; but only observe, that if those liberties were taken away, there would remain no means for the subjects, by any act of bounty or benevolence, to ingratiate themselves with their sovereign. And he desired their lordships to remember what profitable prerogatives the laws had appointed for the support of sovereignty; as wardships, treasures-trouve, felons goods, fines, amercements, and other issues of courts, wrecks, escheats, and many more too long to be enumerated, which, for the most part, are now, by charters and grants of several princes, dispersed into the hands of several private persons; and that besides the antient demesnes of the crown of England, Wm. the Conqueror did annex, for the better maintenance of his estate, great proportions of those lands, which were confiscate from those English which persisted to withstand him; but of these, very few remain at this day in the king's possession; yet, since that time, the revenue of the crown hath been supplied and augmented by attainders and other casualties, and, in the age of our fathers, by the dissolution of monasteries and chantries, near a third part of the whole land came into the king's possession. He remembered further, that constant and profitable grant of the subjects in the act of Tonnage and Poundage Notwithstanding all these, his soul, they were so alienated, anticipated, or overcharged with annuities and assignments; that no means were left, for the pressing and important occasions of this time, but the voluntary and free gift of the subjects in parliament. The hearts of the people, and their bounty in parliament, is the only constant treasure and revenue of the crown, which cannot be exhausted, alienated, anticipated, or otherwise charged and incumbred.—In his entrance into the 2nd part, he propounded these steps, by which he meant to proceed. 1. To shew the state of the case, as it stood both in the charge and in the proof, that so they might the better compare them both together. 2. To take away the pretensions of mitigations and limitations of his opinions, which the doctor had provided for his own defence. 3. To observe those circumstances of aggravation, which might properly be annexed to his charge. 4. To propound some precedents of former times, wherein, though he could not match the offence now in question, (for he thought the like before had never been committed) yet he should produce such as should sufficiently declare, how forward our ancestors would have been in the prosecution and condemning of such offences, if they had been then committed.—The offence was described in a double manner; first, by the general scope and intention, and by the matter and circumstances of the fact, whereby that intention was expressed.—In the description of the intention he observed 6 points; every one of which was a character of extreme malice and wickedness. 1. His attempt to misguide and seduce the conscience of the king. 2. To in-

gen- his royal displeasure against his subjects. 3 To scandalize, impeach, and subvert the good laws and government of the kingdom, and authority of parliaments. 4. To avert his ...esty's mind from calling of parliaments 5 To alienate his royal heart from his people 6 To cause jealousies, sedition, and distrac- in the kingdom.—Of these particulars, he said, he would for ear to speak further, till he should come to those parts of the fact, to which they were most properly to be applied.—The materials of the Charge were contrived into three distinct Articles, the first of these comprehended under these ... 1 'That he ought is not bound to keep and observe the good laws and customs of the realm, concerning the right and liberty of the subject to be exempted from ... tion, ... , and other aids levied upon them, without common consent in parliament.' 2 'That his majesty's will and command, in imposing any charges upon his subjects without consent, doth so far bind them in their consciences, that they cannot refuse the same without peril of eternal damnation.'—Two kinds of proof were produced upon this Article. The first was from some assertions in the doctor's, concerning the power of kings in general, but, by necessary consequence, related to the king of England. The other kind of proof was from his sermons and discourses upon the particular case of the late Loan, which, by necessity and parity of reason, were like ... applicable to all cases of the like nature. And lest, by frailty of nature, he might be tempted, or invert the sense, he desired leave to resort to his paper, wherein the places were carefully extracted out of the book itself ... and he read each particular ... and, particularly, the first part. That he proceeded and said, 'That these ... of the law though some of them contained a sharper sense than the good laws and statutes of the realm, did not repeal the good laws and statutes of the realm, and the right and liberty of parliament, which is evident, those statutes ... malice which he carried, and did endeavour to enforce this.—If he ... the word, ... particular ... , ...

principio ad sustentationem illorum applicata fuerint, ipsi vero in feodum in alios ea donarunt sub certa pensione annua, quæ, jure civili, canon appellari solet, quia certa regula & lege præscripta erat' so that the issue is, That this, which Suarez affirms for justification of one kind of tribute, which is no more than a fee-farm, or rent, due by reservation in the grant of the king's own lands, the doctor herein, worse than a Jesuit, doth wrest to the justification of all kinds of tribute exacted by imposition upon the goods of the subjects, wherein the king had no interest or property at all — The last aggravation was drawn from his behaviour since these sermons preached, whereby he did continue still to multiply and increase his offence; yea, even since the sitting of and his being questioned in parliament upon the 4th of May last, he was so bold, as to publish the same doctrine in his own parish church of St Giles; the points of which sermons are these 'That the king had right to order all, as to him should seem good, without any man's consent. That the king might require, in time of necessity, aid; and if the subjects did not supply, the king might justly avenge it. That the property of estates and goods was ordinarily in the subject; but extraordinarily, that is, in case of the king's need, the king hath right to dispose them'—These assertions in that sermon, he said, would be proved by very good testimony, and therefore he desired the lords, that it might be carefully examined; because the commons held it to be a great contempt offered to the parliament, for him to maintain that so publickly, which was here questioned They held it a great presumption for a private divine to debate the right and power of the king, which is a matter in such a nature as to be handled only in this high court, and that with moderation and tenderness And so he concluded that point of aggravation — Lastly, He produced some such precedents as might testify what the opinion of our ancestors would have been, if this case had fallen out in their time and herein, he said, he would confine himself to the reigns of the first three Edwards, two of them princes of great glory. He began with the eldest, West. I. c. 34. By this statute, 3 Edw. I. provision was made against those who should tell any false news or device, by which any discord or scandal may arise betwixt the king, his people, and great men of the kingdom By 27 Edw I it was declared by the king's proclamation, sent into all the counties of England, that they that reported that he would not observe the Great Charter, were malicious people who desired to put trouble and debate betwixt the king and his subjects, and to disturb the peace and good estate of the king, the people, and the realm. In 5 Edw. II. H de Beaumont, for giving the king ill counsel against his oath, was put from the council, and restrained from coming into the presence of the king under pain of confiscation and banishment. By 19 Edw. II. commissions were granted to inquire upon the statute of West. I touching the spreading of n[illegible] wherehy discord and scandal might grow [illegible] twixt the king and his people. In 10 Edw. I[illegible] proclamation went out to arrest all them[illegible] had presumed to report, that the king [illegible] lay upon the wools certain sums besides [illegible] antient and due customs; where the king [illegible] these reports, 'Exquisita mendacia, &c. non tantum in publicam lesionem, sed nostrum ceilunt damnum, & dedecus manifestum'—In 12 Edw. III. the king writes to [illegible] abp of Canterbury, excusing himself for [illegible] impositions which he had laid, professing [illegible] great sorrow for it; desires the abp by [illegible] indulgences and other ways, to stir up the p[illegible] to pray for him, hoping that God would e[illegible] him, by some satisfactory benefit, to [illegible] amends, and comfort his subjects for those [illegible] sures. To these temporal precedents he [illegible] an ecclesiastical precedent out of a book [illegible] 'Pupilla Oculi,' being published for the [illegible] structioo of confessors, in which all the a[illegible] of Magna Charta are inserted with this d[illegible] tion, 'hos articulos ignorare non de[illegible] quibus incumbit confessiones audire, infra provinciam Cantuariensem'. He likewise remembered the proclamation, 3 Jacobi, for the calling in and burning of Doctor Cowel's Book, for which these reasons are given, 'For mistaking the true state of the parliament of the kingdom, and fundamental constitution and privileges thereof so speaking irreverently of the common law, it being a thing utterly unlawful for any subject to speak or write against that law under which he liveth, and to which we are sworn, and resolve to maintain'. From these precedents he collected, that if former parliaments were so careful of false rumours and news, they would have been much more tender of such doctrines as these, which might produce great occasions of discord betwixt the king and his people —If those, who reported the king would lay impositions, and break his laws, were thought such heinous offenders, how much more should the man be condemned, who persuaded the king he is not bound to keep those laws? If that great king was so far from challenging any right in this kind, that he professed his own sorrow and repentance for grieving his subjects, with unlawful charges, if confessors were enjoined to frame the consciences of the people to the observances of these laws, certainly such doctrine, and such a preacher as this, would have been held most strange and abominable in all those times?'—The third general part was the conclusion or prayer of the commons, which consisted of 3 clauses. 1 They reserved to themselves liberty of any other accusation; and for this, he said, there was great reason, that as the doctor multiplied his offences, so they may renew their accusations 2 They save to themselves liberty of replying to his Answer, for they had great cause to think that he, who would shift so much in offending, would shift

[illegible] See vol. 1. p. 1124.

[illegible] Imediately after Sept. the University of [illegible] authorities for the above quotations and the

[illegible] them [illegible] [illegible] [illegible]

Ir. *What* . 'There is a
, n bility, ntry, ch
ty that serve th duke
Lane there are 5 f milies
uling, for one of protestants;
may well be lled Little
That one Morley, n duine,
that sir Allen Apsley a mer
had pur med 4000 loen at the Isle
furnishing ll victuals.'

Iden. 'Let a Declaration be drawn
4 heads 1. To express the h 's dis-
carne s towards his maj ty. 2. To ten-
our liberties that are violat d. 3. To pre-
hat the purpose of the house was to b
it in 4 That that , nt person, the duk ,
himself to be qu ed, doth interpose
se this distract n. All this time w
est a mal th on what was the last par-
, but now, being d s n again to
t man, let us proceed with that which
was then well begun, and let the Charge be
renewed that was the last parliament against
him, to which he made no Answer; but the
rue thers the s to confess it, that we
ht demand judgment on that to answer
or.'

Inconclusion, the se agre d upon several
heads c ning treasonable practises, th
ty of the king and kingdom, mi go ern-
t, mis rtune of r int s signs, with the
f them and th st was moving to
be put to the question, That the duke of Buck-
ingham shall be h ch d to be a t enemy
to the king, he gh t message." That
majesty commands, for the present, this
adjourn the house till to-morrow morning,
and that all committees cease in the mean
." And the house was accordingly ad-
rned.

The King's Message to the Lords.] June 6. The lord keeper deliv d a Message from the king to the Lords, in these words viz. "His maj. takes notice, by the several examinations of the witnesses delivered in by the managers of the charge yesterday, and by the papers in their hands, that many would neither come to committees, nor send their depositions, though they were desired to it, but rather chose to come to the bar of the house, and there to make their depositions and relations; which is a course very unfit for the house to take, and which they have not used in any former example. His maj. therefore commands me to let you know, that he expects you should send for such witnesses as refuse to come to committees, and examine them at the bar of the house, by him appointed. Which his maj. is resolved to do, and put to hear on Monday next, that he may be present at the hearing himself. And his maj. commands me to let you know, that he will be at the house to-morrow morning, to hear the charge against the duke of Buckingham opened by the managers, which he hopes will be ready against that time. His maj. assures himself that he shall receive from the house of commons a clear and full declaration of their sense in the matter of the charge against the duke of Buckingham, and in respect of the kind dealing of their enemies, and the great dangers they are in, that they will be very expedite, and, in respect the next

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nd all the tes
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parliament, than the
proceedin f this house; which he
feeth hath been the chief mo n hin
suspend those motions which were
not for ma a resolution."

Another Message to the Commons by Ir .] The same day, the Speaker the house of commons h no t M from his maj. , hath h d v s o that , as follows; 'In m e t th lor I had many undeserved favours f my ty, which I shall ever with all humbl ness acknowled , but none can be th than that testim n of your confid e terday h wed unto me, whereby I hope I have lost nothing, r mu any representat n in his maj. 's favour, but what for the honour and service of this house; and ay my ton ear to the of my soul, before I speak to the question of my member th f. I have now a Messag to de- r unto you, viz.'

"Whereas his maj doth understand, that he did conceive his last Message to restrain you in your just proceedings; these are to declare the intentions, that he had in the h r hear- you f n what hath been voted the, l t one hath made all scandalous f r and serious past; and that his ministers might not be put h m self in their n e to suffer that comm unto his maj. and that no such pretences should be taken hereafter, he will a longer to consider what he hath prefixed, and will resolve to hold; that s e time, all Christendom might t e notice of your temperate he and his s e which for his part, he will t by any misrepresentations, which such gr vances, if any, at last mentioned in the time may be considered."

Mr Speaker proceeded: "I will observe a out of the same, yesterday re , s ing the duke of Buckingham's d s l all the advice of the house of com- , yesterday to go to his maj; I there are none here but did imagine r from it, and that I knew ye were s to hear the whole, ye , I could not but think, that the message he brought from his maj. was to this purpose, that he might meet again speedily and long."

Sir Robert Phi , upon this message being delivered by the Speaker, said: 'I rise up with

adisposition, somewhat in more hope of comfort than yesterday, yet, in regard of the uncertainty of councils, I shall not change much in the first place I must be bold, without flattering, a thing not incident to me, to tell you, Mr Speaker, you have not only, at all times, discharged the duty of a good speaker, but of a good man, for which I render you many thanks Another respect touching his majesty's Answer to our Petition, 1st, If that answer fall out to be short, I fear his majesty, and I believe his resolution was to give that which we all expected but in that, as in others, we have suffered by reason of interposal persons between his maj. and us; but this day is, by intervention of accidents, diverted from that, and so as in time we go to his maj. therefore let us remove those jealousies in his maj of our proceedings, that by some men, peregrown, have been misrepresented we have proceeded with temper, in confidence of his majesty's goodness to us and our fidelity to him and if any have construed that what we have done hath been done out of fear, let him know, we came hither freemen, and will ever rather die to endure the worst, and they are poor men that make such interpretations of parliaments, in this was and method we proceeded, and if any thing fall out ill happily, it is not king Charles that advised himself, but king Charles misadvised by others and misled by misordered counsel; it becomes us to consider what we were doing, and how to advise what is fit to be done. We were taking consideration of the state of the kingdom, and to present to his maj. the danger he and we are in It since, any man hath been named in particular (thus I have to speak of my betters with humility let him thank himself and his councils, but those necessary jealousies give us occasion to name him, I assure myself we shall proceed with temper, and give his maj satisfaction, if we proceed in that way His majesty's message is now explanatory in point of our liberties, that he intends not to bar us of our rights, and that he would not have any aspersion cast on the counsels past, let us present to his maj shortly and fully, and declare our intentions that we intend not in by any aspersions upon him, but out of necessity to prevent the imminent dangers we are surrounded with, only to present to him the affairs at home and abroad, and to desire his maj. that no interposition or misinformation of men in fault may prevail, but to expect the issue that shall be full of duty and loyalty.'

Further Debate on Grievances.] The commons Journals inform us, That notice being taken of Mr. Kirton's speech, 'That he hoped, they had all hearts, hands, and swords to cut the throats of the enemies to the king and state,' (p. 403, that expression, being thus duly called in question, it was resolved, 'That therein he had said nothing beyond the bounds of duty and allegiance,' and that they all concurred with him therein.

June 7 Information was given to the commons by Mr. Kirton * 'That at this present there are 32 pieces of ordnance ready shipped for to be sent to Rotterdam, and yet the Lord of Weymouth, having ordnance assigned, could not be suffered to be possessed of them that are to be for the defence of this kingdom.' He further declared, 'That there were commissions now granted to 4 Londoners to go and trade with the Dunkirkers, whose information to our enemies of our designs, and which way our shipping are bent, may be of dangerous consequence to our state.' He added, 'That there was a commission to the custom-house for exporting of excises upon this kingdom: that Burkmacht had a warrant of privy-seal for 10,000*l.* and as he confessed before the committee, to disburse 6,000*l.* for buying of German horse, in which Dalbier was employed, that 1000 of them are already levied, and arms provided for them in Holland; but that he had heard they were lately countermanded That my lord duke wrote into Germany the last day of May, in which he said, that the 1000 horse and arms, which were to come for England, should be served, but they were all then ready to come for Ireland.'

* Mr *Parker* said, 'That the intent of bringing over those German horse were to cut our throats, or else to keep us at their obedience.'

* Mr. *Wandham* said, 'That there were yesterday, 12 German commanders of the horse come to town, and some of them in Paul's church, and those that procured them were sir W. Ballour and Mr Dalbier, and that two ships of England were enforced to bring over those horse, to the loss of their own voyage elsewhere, and there he looks to precedents come over, where the manner of the Holland excise is repeated and recited'

* Sir *John Maynard*. 'Dalbier was the only cause of the overthrow of our army at the isle of Rhée, he being an engineer; and boasted that it was his doing that got the French so cheap a victory over the English, and that they might thank him for it, therefore this fellow, being a stranger and a vagabond, is deemed an unfit man to be a commander in our kingdom And that it was confessed by Williamson, clerk of the crown, that the business of the excise is at this present in my lord-keeper's hand, and under the broad seal' The question was then put and agreed to, 'That if any member of the house knew any thing touching the Excise, that should be set up in native commodities in this realm, and did behis pence, he should be voted an enemy to the state, and no true Englishman'

The King gives a more explicit Answer to the Petition of Right.] The same day a message was made in the lords, to have a conference with the commons about the king's Answer to their Petition of Right, which being held this day, both houses agreed to address the king, 'That he would please to give a clear and satisfactory An-

* From the last mentioned MS.

Printed for the Record by the Inner Temple

swer, in full parl. to the said Petition." The Lords sent a committee of their house, to attend the king with this message, who, after some time, being returned, they said, "That his maj. would come to the house, that day at 4 of the afternoon, and the clerk of the parliament did read the said Petition, and give an answer to the same, another committee was appointed to put down in writing what the lord-keeper should say to the king, it was, likewise, agreed that he should stand in his place, as a peer, and there deliver this request of both houses to his maj. and afterwards go to the place of state. At the time appointed, the king came to the house of lords and being in his robes, placed in the chair of state, communed with the speaker concerning the manner and form of the clerk of parliament's entering his former Answer which was entered in the Journal, under the Petition of Right, and, at the same time, presented unto the said clerk his present Answer in these words, viz. The lords spiritual and temporal, and commons, in parliament assembled, taking into consideration that the good intelligence, between his majesty and his people, doth much depend upon your majesty's Answer unto a Petition of Right lately presented unto your majesty by both houses of parliament, do now become most humble suitors to your majesty that you would be graciously pleased to give such an Answer unto the same, as your majesty in your royal wisdom shall think fit, whereby your majesty's subjects may be truly satisfied of your majesty's gracious intentions, and to show unto them that your majesty doth not mean, by any thing contained in the Petition, to alter the fundamental laws and policy of the kingdom, but is willing to protect and maintain them in their due force and vigour."

The Petition was read, and then the clerk read the Answer, "Soit Droit fait comme il est desiré."

Upon the king's withdrawing, "The Lords and Commons, now assembled in parliament, being much comforted and encouraged with your majesty's most gracious Answer, have thereupon taken into their serious consideration how to express their humble and thankful affections unto your majesty, for the same, in such sort as may correspond with your majesty's most princely disposition towards your people, and the weight of the business in hand, which doth require a speedy resolution. And finding that your majesty's Answer consists of two parts, the one containing a confirmation of your ancient laws, the other an expression of your royal intention to govern according to the same, they have resolved to return unto your majesty their most humble thanks for the former part of your Answer, and to make it their care, that your majesty may receive from your people all such supplies as may be requisite for the honour and safety of your majesty and your kingdoms. And for the latter part of your Answer, they do most humbly beseech your majesty graciously to accept their most loyal and faithful endeavours to search out the causes of such jealousies and misunderstandings between your majesty and your people, as have occasioned the late unkindness, and to remove them in such sort as may be most pleasing to God, most honourable for your majesty, and most comfortable to your people, in whose hearts your majesty's gracious Answer hath wrought a most happy change, and given them cause to hope that your majesty will vouchsafe unto them the like favour in all their just causes, as they have found in this your Answer to their Petition."

Upon this, the king sent a message to the lords, that he would come to the house of peers, on the morrow, at 10 of the clock, to hear the bill of subsidies read, and to give his assent to it. Accordingly, the next day, he came to the house, and sat in his chair of state, and the bill was read, and he assented to it, and then the commons were sent for to the bar, and the king spake to them as follows, viz. "My lords and gentlemen, I thank you heartily for your loving supplies, and I assure you, you shall find the benefit of them, for I will employ them to the best advantage for the good of my kingdom and you. And now, my lord-keeper, do you declare the rest."

Then the lord-keeper declared, that the king had given his assent to the bill of subsidies, and to the bill for the confirmation of the liberties of the subject, and to the bill for the confirmation of the statute of 25 Edw. III. and to the bill for the confirmation of the statute of 42 Edw. III. and to the bill for the confirmation of the statute of 2 Hen. IV. and to the bill for the confirmation of the statute of 4 Hen. IV. and to the bill for the confirmation of the statute of 7 Hen. IV. and to the bill for the confirmation of the statute of 15 Hen. VI. and to the bill for the confirmation of the statute of 28 Hen. VI. and to the bill for the confirmation of the statute of 31 Hen. VI. and to the bill for the confirmation of the statute of 1 Edw. IV. and to the bill for the confirmation of the statute of 1 Rich. III. and to the bill for the confirmation of the statute of 11 Hen. VII. and to the bill for the confirmation of the statute of 1 Hen. VIII. and to the bill for the confirmation of the statute of 4 Hen. VIII. and to the bill for the confirmation of the statute of 7 Hen. VIII. and to the bill for the confirmation of the statute of 28 Hen. VIII. and to the bill for the confirmation of the statute of 31 Hen. VIII. and to the bill for the confirmation of the statute of 1 Edw. VI. and to the bill for the confirmation of the statute of 1 Mary, and to the bill for the confirmation of the statute of 1 Eliz. and to the bill for the confirmation of the statute of 1 Jac. I. and to the bill for the confirmation of the statute of 21 Jac. I. and to the bill for the confirmation of the statute of 3 Car. I. and to the bill for the confirmation of the statute of 4 Car. I. and to the bill for the confirmation of the statute of 5 Car. I. and to the bill for the confirmation of the statute of

ters of Supplies, in cases of necessity, the [illegible] had right to order all, as seemed good [illegible] without consent of his people. 2 That the king might require loans of his people, and avenge on such as should deny. 3 That no subject hath property of his goods in or [illegible] but, in extraordinaries, the property was in the king."—And they charged the said Manwaring with great presumption, to dispute the right of the king and liberty of the subject, and the right of the parliament in his ordinary sermons.—The Charge being ended, the Lord Keeper demanded of Dr Manwaring, Whether he did acknowledge the 3 tenets to be proved by him in his sermons 4th of May this he absolutely denied. Whereupon the clerk read the examination of H. Clayton, esq and Dr Norton, knt. who had affirmed some parts thereof upon their oaths. Then Dr. M being admitted to speak for himself, protested before God, upon his salvation, "That he never had any meaning to pervade the king to alter the fundamental laws of the kingdom, his only ends were to do his majesty service, and to persuade a supply in cases of extreme necessity. He desired favour and justice to explain himself, and, because his book consists of many conclusions, that the spiritual lords might be judges of the inferences and logical deductions therein." He further humbly besought their lordships to allow him counsel to speak for him, in point of law, time to answer the particulars, a copy of the Charge in writing, and recourse to his books at home, upon caution to attend again, when their lordships shall appoint.—The prisoner being withdrawn, and, after some debate on his request, brought to the bar again, the lord-keeper, by direction of the house, blamed him for that he insulted his judges, in requiring a part of his Charge against him to be referred to the lords the bishops; whereas the whole matter belongs to all the lords jointly.—Then his lordship told him, That the house had considered of his other requests, and granted him these, viz. 1 To have a copy of his Charge. 2 To have time till Friday morning to make his Answer. 3 To have leave to go to his own house, and to abide there with a keeper. And his lordship further told him, That if, upon reading himself, he shall desire access to the lord-bishops to-morrow morning, it shall be granted him.

June 1st A Message from the commons by Sir Edw. Coke and others. The message consisted of two parts. 1. Was to examine the Petition of Right exhibited by them to both houses, that his majesty's Answer thereunto had caused an expression of exceeding great joy throughout the whole kingdom; and that this joy might be made perpetual, to the honour of the king, and comfort of his people, the commons were so much upon the [illegible] themselves, to move their lordships, That the said Petition, with the Answer, might be entered in both houses, that it might be enrolled in all the courts of justice in Westminster-hall, for a mirror to the judges, and that it might be printed amongst the statutes of this session. But that, before they could come to move their lordships to join with them in desiring the same, all this might accordingly be done, there are presented by his majesty's gracious [illegible] to the same effect; of which they do still make an entry in their house. 2. The commons, therefore, desire that the same message may be entered here also, and then the rest will necessarily follow.—The 2nd part of their Message was concerning Dr. Manwaring's Book. They said they found his majesty's command set upon the first leaf to warrant the printing of that book; but that they had cause to suspect, because, though they found those words struck out in the original, they still stood to the printed book. And, as they conceived, the printer durst not do it without warrant, they therefore desired their lordships to examine by what means this second command was derived, from his majesty to the printer? And when their lordships have found the party, or parties, who gave the warrant, the commons demand to have him or them punished, with as much severity or more, as Manwaring himself.—*Answ.* "The lords do unanimously agree, That his majesty's said Message for the entering, enrolling, and printing of the said Petition and Answer, shall be entered here, as is desired: and, as concerning the examination who gave the warrant for printing of Dr Manwaring's Book, their lordships will take it into consideration, and do that therein, which shall be fit."

The same day, upon another Message of the commons to the upper house, it was ordered by their lordships, That Bil Badger, who printed Dr. Manwaring's Book, be presently brought before their lordships, who, being brought to the bar, sworn and examined, answered, That Dr Manwaring, himself, delivered him his two sermons to be printed, with the Bishop of London's signification to that effect, under his lordship's hand: and that when the book was fully printed, Dr. M brought the title of his said book, written with his own hand, as it is now printed. Hereupon the said printer was dismissed at this time; and the earl of Essex and the bishop of Lincoln were sent, from the house, to the bishop of London, to understand, from his lordship, what authority he had for signifying his majesty's special command for the printing of Dr. Manwaring's Book.

June 13 Dr. Manwaring being this day brought to the bar before the lords, and admitted to speak for himself unto the Charge of the commons against him, answered in effect as followeth. "First, he shewed that he was under a great burthen of sorrow and weakness here to present unto their lordships: and then rendered them humble thanks, for giving him leave and time to recollect himself before he made his Answer; and craved a favourable interpretation of what he was now to speak. As touching his two sermons complained of by the commons, he said, 'That he was induced to preach them by a public remon-

Printed in the Clarendon Press, Oxford

...rance of the necessities of the state ...
...ne and that he printed them at his ...
...cial command. That the grounds of ...
...ions, in those two sermons, are in ...
...y scriptures, and in the interpreters of ...
...ripture, and are not complained of by ...
...mons, but the inferences on ..., drawn from ...
...e grounds, are questioned by them. He ...
...ved leave to explain himself in two of those ...
...ions. The first where he says, 'That kings ...
...take of incompliance with God,' he said, ...
...h meant more by this than is meant ...
...the holy scripture, and by the laws of the ...
...d for the truths say, Dii estis,' and Mr. ...
...Calvin saith, 'Reges a Deo imperium habere, ...
...ultimam justitiam eorum ab eo requiri.' ...
...Therefore I stand against kings here that do it ...
...ne; and, by the laws of the kingdom, a ...
...great image of God in the king. The other ...
...ation, which he desired to explain, was ...
...cting the king's justice where he says, in ...
...nd sermon, p. 25. 'That justice inter- ...
...not here between God and man, nor between ...
...prince, being a father, and the people, as ...
...children.' he said, 'That he meant thereby, that ...
...man cannot require God, nor the child the ...
...er; so the king, being supreme of God's ...
...er, cannot be required but his meaning ...
...not, that the king is not to be last ...
...d touching those interests, made by the ...
...commons out of his two sermons complained ...
...of, which they impute either to sedition or ...
...ence, or the breaking of the principal ...
...laws of the land, religion of parliament, be ...
...tested, before God and his holy angels, that ...
...they were never in his thoughts. He only ...
...thought to persuade those honourable gentlemen, ...
...the house of commons themselves, to ...
...a supplication to the great god of mercy ...
...in this state ... conclusion ...
...his speech, he expressed his great sorrow to ...
...be thus censured, and begged pardon and ...
...mercy of their lordships, and of the commons, ...
...House, for the love of Christ, from ...
...whom all mercy and favour proceeds, and ...
...for his sake, humbly beseeching ...
...to accept of this submission."

...is being spoken by Dr. Manwaring, and ...
...he to which time, the house ...
...disturbed (Dr. Leo Aldred) ... to hinder ...
...; and having desired leave of the house ...
...might acquaint him with what ...
...granted, has ... then told him, 'That ...
...he must be ... the house ... great ...
...sure of the ... of him, ... ing ...
...to ... to be ... Master ...
...Burnard saith, 'That ...
...are some men who be ... and ...
...preach' ... was ... which ...
...was ... by his ... ...
...sions, he ... said, he both ... and ...
...abhorred ... as ... he ...
...to ... ... him ...
...God's grace told him, 'That it was not ...

... ; and
... do
... his ...
... be[ing]
... and ...
... were
... drawn ... our religion; and had ... J[esus] to ... as' and ... daily ... justice ... to man, ... children, and from a ... to ... further, 'That, by ... and man, there as ever a ... between the king and his ... for ... and his abhorrence ... of ... putting him in ... pulpit, whom the king ... be brayed in a brazen ... by ... (as a just reward for all flatterers ... he blamed him much ... and other Jesuits in ... mons: and ... to reach Parker, the ... interpreters of the scriptures."

The Archbishop having ended ... admonition, Dr. Manwaring ... replied touching ... and two ... first, 'That ... deserved ... to be better known and ... than the king and ... but the king's justice could not be required ... and executed ..., or ... of Smarez, for in those places he spake of the ... man.'

Upon which ... the ... ... sentence of ... censure of ... to him, and ... lordships thought ... punishment, for ... to the king's ... attention, 'God's own ... and ... late ... of ... and ... asserting ... parliament, and ... ing those gentlemen, ... the late ... with ... admonition, ... that ... duly ... the ... ...

they, with their Speaker, will come to demand the same.' *Answ.* 'They will come presently.' The lords being in their robes, Dr Manwaring was brought to the bar by the serjeant at arms, and the commons with their Speaker being come, Mr Speaker said —"My lords; the knights, citizens, and burgesses, of the commons house of parliament, have impeached before your lordships Roger Manwaring, clerk, doctor in divinity, of divers enormous crimes, for which your lordships have commanded him before you, and examined the said offences, and now, the commons have commanded me, their Speaker, to demand judgment against him for the same."—Then the lord-keeper pronounced the judgment against him in these words, viz.

"Whereas Roger Manwaring, doctor in divinity, hath been impeached by the house of commons for misdemeanours of a high nature, in preaching two sermons before his maj. in summer last, which are since published in print, in a book intituled, 'Religion and Allegiance;' and in a third sermon preached in the parish church of St. Giles in the Fields, the 4th of May last, and their lordships have considered of the said Dr Manwaring's Answer thereunto, expressed with tears and grief for his offence, most humbly craving pardon therefore of the lords and commons: yet nevertheless, for that this can be no satisfaction for the great offences wherewith he is charged by the said declaration, which do evidently appear in the very words of the said two sermons, their lordships have proceeded to judgment against him, and therefore this high court doth adjudge,— 1. That Roger Manwaring, doctor in divinity, shall be imprisoned during the pleasure of the house. 2 That he shall be fined at 1000*l* to the king. 3. That he shall make such submission and acknowledgment of his offences as shall be set down by a committee in writing, both here at the bar, and in the house of commons. 4 That he shall be suspended for the term of 3 years, from the exercising of the ministry, and in the mean time a sufficient preaching minister shall be provided out of the profits of his living to serve the cure: this suspension, and this provision of a preaching minister, shall be done by the ecclesiastical jurisdiction. 5 That he shall be disabled for ever to preach in the court hereafter. 6 That he shall be for ever disabled to have any ecclesiastical dignity or ecclesiastical office. 7 That the said books is worthy to be burnt: and that for the better effecting of this, his maj. may be moved to grant a proclamation to call in the said books, that they may be all burnt accordingly: and 8. That he shall be fined in both the universities, and his majesty be moved for printing thereof, hereafter, upon a great penalty."—And this is the judgment of the lords."

Then the commons departed, and Dr Manwaring was sent prisoner to the Fleet.—After this the bishop of Lincoln (Dr John Williams) reported the Answer of the bishop of London, unto the Message sent him by the house the 12th of June, to this effect, viz. That the bishop of London (Dr. Geo. Mountaigne) answered, 'That he received a letter from the bishop of Bath and Wells (Dr. W. Laud) the last summer for the printing and publishing of Dr. Manwaring's two Sermons, by his majesty's command; and thereupon his lordship did cause the same to be printed by his majesty's authority, but by his lordship's approbation.' He the said bishop of Bath and Wells, being sent for, said, 'He could have no such warrant, unto this report. But acknowledged he wrote the said letter unto the bishop of London, by his majesty's express command, that the said two Sermons should be printed; which letter, he said, he wrote last summer from Woodstock, where his maj. was.' And the earl of Montgomery affirmed, upon his honour, 'That he was then present at Woodstock, and he did hear command the lord bishop of Bath and Wells to cause the said Book to be printed, and that the said bishop desired his maj. to think better of it, for there were divers things therein which would be very distasteful to the people.'—The duke of Bucks, also, the earls of Suffolk and Dorset, protested, upon their honours, 'That they have since heard many affirm as much.'

The Commons, at a Conference, complain of a Commission of Excise.] June 16th. The lord-keeper reported to the lords the effect of a conference, which had been desired by the commons, touching a Commission, dated the 6th February, last past, and granted to several lords and others, to advise the king how to raise money, by impositions, or other ways, the nature of Excise. After a short preface his ldp. commanded the clerk to read the said commission, which being done, he shewed many inconveniences which the commons observed therein. What they chiefly stood upon was, 'That to raise money by impositions without consent of parliament, is directly against the liberty of the subject, and treads upon the propriety of their goods, contrary to the judgment lately given this parliament, to his majesty's gracious Answer to the Petition of Right.' And that the commons did demand that this patent might be disannulled, cancelled, the enrolment of it razed, and warrant also for the great seal to be cancelled: likewise, the commons did further demand, that the projectors and procurers of this Commission might be discovered and proceeded against.—This report being ended, the lords fell into a long debate on the subject of it, and it last appointed a special committee to draw up a Message to the king, from their house, for cancelling the said Commission.

Resolved, that in the mean time, after granting the Petition of Right, the commons of this present grand committees for Religion, Trade, Grievances, and Courts of Justice, should sit no

Sir *Henry Martin* advised, 'That the Remonstrance be so framed, as to make it passable to his majesty's judgment and affection: let him be persuaded that it comes from a pure sense, and not from private ends.' And he vindicated the duke in point of religion. 'It is true (said he) his mother is a Recusant, but never was thing more grieved him, and never did a son use more means than he to convert her, and he hath no power over her, and to his own lady, whom he found not firm in his religion, he hath used means to confirm her. As for Arminians, I have often heard him protest and vow against their opinions. It is true, many that have skill therein may have some credit with him, and make use of him to their own ends. One particular I know well, that some gentlemen and preachers of great esteem were questioned for a matter, wherein there was some error in the manner, at which they were presented, I told him of them and that they were questioned, and he answered me, He would do the best he could for to commiserate them.'

Sir *Benj. Rudyard* gave his judgment. 'That if the matter be urged home, it will proclaim the man louder than we can in words. If we mince excess of power, and abuse of power, it will reach to the duke, and all others in future times; and to a gentleman of honour, nothing is so dear as sense of honour. I am willess, and do know, that he did many great and good offices to this house. If the first part of my life could breed no opinion, that we should have no occasion to complain of your next motion, I would pawn it to you. Nor let any mistake, it is fear makes us desist, we have shewed already what we dare do.'

Sir *Thomas Jermin*, because the employment of Dalbier had given much offence, stood up in his defence, and said, 'He had given great evidence of his trust and fidelity. When the count Palatine retired himself, and the council agreed to send a party under count Mansfield to make a head, and the king sent word to the Palatine to be present in person, Dalbier went along with him, with one more; and being in a village in Germany, a troop of all horse met them, and Dalbier went to the captain and said, We are in a strait, I will give you so many crowns to conduct us,' which was done, and Dalbier went along with him.

June 13th. It was agreed, upon the question, 'That the excessive power of the duke of Buckingham, is the cause of the evils and dangers to the king and kingdom; and that this be added to the Remonstrance.' But this circumstance is not mentioned in the Journal of this day, though there is somewhat the next day to that purport.

The commons about this time voted, 'That Dr. Neile, bishop of Winchester,* and Dr. Laud, bishop of Bath and Wells, be named to be those near about the king who are suspected to be Arminians, and that they are justly reputed to be unsound in their opinions that way.'

Remonstrance of the Commons against the D. of Bucks, as being the Cause of all Grievances.] The house being turned again into a committee concerning the Remonstrance, Mr. Selden proposed, 'That to the excessive power of the duke of Bucks should be added, "The abuse of that power," and since that abuse is the cause of these evils, that it be presented to his maj. to consider whether it be safe for the king and commonwealth, that a man of his power should be so near his maj.' This was ordered accordingly, and all the parts of the Remonstrance being agreed unto, it was perfected to be presented to the king, as follows:

"Most dread Sovereign; As with all humble thankfulness we your dutiful commons, now assembled in parliament, do acknowledge the great comfort which we have in your maj.'s pious and gracious disposition; so we think it a part and most necessary duty, being called by your maj. to consult and advise of the great and urgent affairs of this church and commonwealth, finding them at this time in apparent danger of ruin and destruction, faithfully and dutifully to inform your maj. thereof, and with bleeding hearts and humble knees, to crave such speedy redress therein, as to your own wisdom (unto which we most humbly submit ourselves and our desires) shall seem most meet and convenient. What the multitude and potency of your maj.'s enemies are abroad? What be their malicious and ambitious ends? And how right and constantly industrious they are in pursuing the same, is well known to your majesty, together with the imminent dangers threatened thereby to your sacred person and your kingdoms, and the calamities which have already fallen, and do daily increase upon your friends and allies; of which, we are well assured, your maj. is most sensible, and will accordingly, in your great wisdom, and with the gravest and most mature council, according to the exigency of the times and occasions, provide by all good means to prevent and help the same.—To which end we most humbly intreat your maj. first and especially to cast your eyes upon the miserable condition of this your own kingdom; of late so strangely impoverished and dishonoured, that unless, through your maj.'s most gracious wisdom, goodness, and justice, it be speedily raised to a better condition, it is in no little danger to become a sudden prey to the enemies thereof; and from being the most happy and flourishing, to be the most miserable and contemptible nation in the world. In the discoveries of which dangers, mischiefs, and inconveniences lying upon us, we do freely protest that it is far from our thoughts to lay the least aspersion upon your sacred person, or the least scandal upon your government; for we do, in all sincerity of our hearts, not only for ourselves, but

* See the proceedings against this prelate, when bishop of Lincoln, upon a Complaint of the Commons, anno 12 Jac. I. in Vol. 1. p. 1150.

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in the name of all the commons of the realm (whom we represent) ascribe as much honour, as a most loyal and affectionate people can do, to the best king (for so you are), and as have been pleased abundantly to express at this present parliament, by your most gracious and satisfactory Answer to our Petition of Right, for which both ourselves and our posterity shall bless God for you, and offer prayers and thankful memory of your royal act and justice therein. And we do not doubt, but believe that all, or most of those things which we shall now present unto your majesty, are either unknown unto you, or misrepresented to you by some of your majesty's ministers, who (under such specious pretences as best serve their own bad intentions, and the corruptions of them, from your majesty) have set before ourselves, are contrary to the good laws of your majesty's predecessors, and to those which make your royal throne most safe and glorious to your people, and above all things the most safe for the welfare of your people. And we do not doubt, but parliament (unto which the great business of the kingdom ought to be brought, as to the principal ends of calling them) will be found the only way (by the blessing of God) to remedy the several parts of your state and government, that your officers do behave themselves as they ought, and that the trust reposed in them by your majesty may be duly discharged. And we shall be forced (for want of parliaments) to complain to your majesty, as we do now, in parliament, as was declared by your late dissolved father, when he was pleased to put the commons in parliament in mind of their duties.

That it would be the greatest misery, and heaviest load to us that ever we undertook, if (in meeting with the Commons in parliament) we should find the commons of this kingdom from thence to have that did not deal clearly with him, in the sincerity of their hearts, how near and dear soever they were unto him, if they were hurtful or dangerous to the union of the two kingdoms of England and Scotland, to the safety of the person of your majesty, and the continuance of all the parts

and advanced, not wanting friends even of the clergy, near to your maj.; namely, Dr. Neile bp. of Winchester, and Dr Laud bp. of Bath and Wells, who are justly suspected to be unsound in their opinions that way. And, it being now generally held the way to prefer-ment and honour to flatter your people, these bishops do bend the course of their studies to maintain those errors, their books and opinions are suffered to be printed and published, and on the other side, the imprinting of such as are written against them, and in defence of the orthodox religion, are hindered and prohibited, and (which is a business almost incredible) this restraint of orthodox books is made under colour of your majesty's formerly mentioned proclamation, the intent and meaning whereof, we know, was quite contrary.—And further, to increase our fears concerning innovation of Religion, we find, that there hath been no small labouring to remove that which is the most powerful means to strengthen and increase our own religion, and to oppose the contrary, which is the diligent teaching and instruction of the people in the true knowledge and worship of Almighty God. And therefore means hath been sought out to depress and discountenance pious, painful, and orthodox preachers; and how conformable soever, and peaceable in their disposition and carriage they be, yet the preferment of such is opposed; and, instead of being encouraged, they are molested with vexatious courses and pursuits, and hardly permitted to have even in those places where are no constant preaching ministers; whereby many of your good people (whose souls in this case we beseech your maj. to commiserate) are kept in ignorance, and are apt to be easily seduced in error and superstition.—It doth not a little also increase our dangers and fears this way, to understand the miserable confusion of your kingdom of Ireland; where, without control, the popish religion is openly professed and practised in every part thereof, popish jurisdictions being there generally exercised and armed; monasteries, nunneries, and other such superstitious houses newly erected re-edified, and replenished with men and women of several orders, and in a plentiful manner maintained at Dublin, and most of the great towns and divers other places of the kingdom: which of what ill consequence it may prove, if not seasonably repressed, we leave to your majesty's wisdom to judge: but most humbly beseech you (as we assure ourselves you will) to let the serious consideration thereof to your royal and pious heart, and that some speedy course may be taken for redress therein.—And if now, to all these, your maj. will be pleased to add the consideration of the circumstances of time, wherein these courses, tending to the destruction of true Religion, within these your kingdoms, have been taken here, even then when the same is, with open force and violence, prosecuted in other countries, and all the reformed churches in Christendom, either depressed, or miserably distressed: we do humbly appeal unto your majesty's princely judgment, whether there be not just ground of fear that there is some secret and strong conspiring of the enemies of our religion abroad, for the utter extirpation thereof, and whether, if our courses be not speedily redressed, and the professors of true religion more encouraged, we can expect any other but misery and ruin, specially to fall upon us, especially, being the unsound and apparent means wherewith we are environed, will not be pleased to remove to displeasure of Almighty God, always bent against the neglect of his holy religion, the strokes of these dreadful effects we have already felt, and are still full with great apprehension, in great measure.—And besides the fear of ruin to our Religion, we do, in the third declension of our duties, most humbly declare to your maj. that the hearts of your people are full of fear of unsound and change of government, and accordingly possessed with extreme grief and sorrow, yea, in this point by your majesty's late Answer to our Petition of Right, touching our liberties, much comforted and raised again out of their sadness and discontent, which the generality had conceived throughout the whole kingdom, for undue courses which were the last year taken for raising of monies by loans. From which (whatever your maj. may have been informed to the contrary) there never any monies demanded were paid with greater grief, and general dislike of all our truthful subjects, though many, partly out of fear, and partly out of other respects, yet most unwillingly, were drawn to yield to what was required.—The liking of soldiers did much augment both their fears and grief; like consequence the full much comfort upon your gracious Answer to our Petition of Right, and to relief of present fears in your maj. concerning the billeting of soldiers. We most humbly beseech your maj. that we may inform you, that the late commissions, and the re-inforcing of those soldiers, the conditions of their persons, many of them not being natives of this kingdom, but of the same but of a contrary religion, the billeting them upon the counties, where making head among themselves, the many mine with the popish party in those places necessary serve and join with an invading enemy to do extreme mischief: and that they are not yet dissolved, do both still minister cause of jealousy in your loving subjects, for that the soldiers cannot be continued without exceeding great danger of the peace and safety of your kingdom.—The report of the strange and dangerous purpose of bringing in German horse and riders, would have turned our doubts into despair, and our fears into a certainty of confusion, had not your majesty's gracious Message (for which we humbly give you thanks) comforted us, by the assurance of your royal word, that they neither are, nor were intended by your maj. for any service in England: but that they were designed for some other foreign employment, yet the sight of the

privy-seal, by which, it seemeth, they were to be levied; the great sum of monies, which upon examinations, we found to be paid for that purpose, gave us cause of jealousy; and, about the same time, there was a commission under the great seal granted unto the lords and others of the privy council, to consider of other ways for raising monies, so particularly by impositions, which gave us just cause to suspect, that whatsoever was your majesty's gracious intentions, yet the counsel did not those things, under some colourable pretence, might secretly by him, as by other ways, contrive to change the frame both of religion and government, and thereby undermine the safety of your majesty in your kingdoms.—These such fearful and true ignorant, that the bringing in of strangers [illegible] and hath been pernicious to most states where they have been admitted, but to England fatal. We do bless God that hath given your majesty a wise and understanding heart to discern of these courses, and that such never profiteth nothing but weakness and calamity. And we beseech your majesty, to pardon the vehemency of our expression, if, in the loyal and zealous affection we bear to your majesty and your [illegible] we are bold to declare to our king and the whole world, That we hold it far beneath the heart of any free Englishman to think that this victorious nation should now stand in need of German soldiers to defend their own native kingdom.—But when we consider the [illegible] mentioned, and these things tending to an apparent change of government, the main branches of parliament, whereby your [illegible] hath been deprived of the faithful counsels and free suits of your people, the [illegible] Poundage, without grant thereof [illegible] ament, ever since the beginning of your majesty's reign to this present, the sundry [illegible] monies, granted to the duke of Buckingham, to be general of an army in the [illegible] the time of peace, the [illegible] and others from the courts and [illegible] which this formerly held in the commonwealth, we cannot but, at the [illegible] of such an [illegible] [illegible] easily to [illegible] [illegible] of [illegible] [illegible] [illegible]

ners, is, The not guarding of the narrow seas; the regality whereof your maj. hath now in a manner wholly lost, being that wherein a principal part of the honour and safety of this kingdom heretofore consisted, and now having absolutely neglected it, the town of Dunkirk doth so continually rob and spoil your subjects, that we can assure your maj. if some present and effectual remedy be not forthwith provided, the whole trade of this kingdom, the shipping, mariners, and all belonging thereunto, will be utterly lost and consumed. The principal cause of which evils and dangers we conceive to be the excessive power of the duke of Buckingham, and the abuse of that power and we humbly submit unto your majesty's excellent wisdom, whether it be safe for yourself or your kingdoms, that so great power as rests in him by sea and land, should be in the hands of any one subject whatsoever.—And as it is not safe, so sure we are, it cannot be for your service, it being impossible for one man to manage so many and weighty affairs of the kingdom as he hath undertaken, besides the ordinary duties of those offices which he holds; some of which, well performed, would require the time and industry of the ablest men both in counsel and action, that your whole kingdom will afford, especially in these times of common danger.—And our humble desire is further, That your most excellent maj will be pleased to take into your most princely consideration, Whether, in respect the said duke hath so abused his power, it be safe for your maj. and your kingdom, to continue him either in his great offices, or in his place of nearness and counsel about your sacred person.—And thus, in all humility, aiming at nothing but the honour of Almighty God, and the maintenance of his true religion, the safety and happiness of your most excellent maj and the preservation and prosperity of this church and commonwealth, we have endeavoured, with faithful hearts and intentions, and in discharge of the duty we owe to your maj and our country, to give your maj a true representation of our present danger and pressing calamities; which we humbly beseech your maj. graciously to accept, and to take the same to heart; accounting the safety and prosperity of your people, your greatest happiness, and their love your richest treasure. A rueful and lamentable spectacle, we confess, it must needs be, to behold those ruins in so far an house; so many diseases, and almost every one of them deadly, in so strong and well-tempered a body as this kingdom lately was: but yet we will not doubt, but that God hath reserved this honour for your maj. to restore the safety and happiness thereof, as a work worthy so excellent a prince, for whose long life and true felicity we daily pray, and that your fame and never-dying glory may be continued to all succeeding generations."

Then a Message was sent to his maj. desiring access to his person with this Remonstrance, and the Speaker was appointed to deliver it; who much desired to be excused, but the house would not give way thereunto. Soon after the king sends a message by sir H. May, that he means to end this session on the 26th of June whereupon the commons resolved to proceed immediately with the bill of Tonnage and Poundage.—We now return back to the lords.

The Duke of Buckingham complains of an Aspersion cast upon him.] June 16. The duke of Buckingham signified to the lords, that he was informed a member of the commons had affirmed his grace did speak these words at his own table, viz. 'Tush, it makes no matter what 'the commons or parliament doth; for, with-'out my leave and authority, they shall not 'be able to touch the hair of a dog'.—The duke desired leave of the lords, That he might make his protestation in the house of commons concerning that Speech, and to move that he who spoke it of him might be commanded to justify it, and his grace heard to clear himself. The lords, considering of this complaint, ordered, 'That the duke should be left to himself, to do therein as he thought proper' His grace gave them thanks; and protested, upon his honour, That he never had these words so much as in his thoughts which Protestation the lords ordered to be entered in their Journal, that the duke might make use of them as need should be.

The Lords beseech the King to cancel the Commission of Excise, &c.] June 16, *p m.* The committee of lords, appointed to consider of the Commission of Excise, brought in a draught of a Message to be sent to the king about vacating it; which was read as follows.

"May it please your most excellent maj. Whereas there was transmitted unto us, from the house of commons, a certain patent, under the great seal, bearing date the last of February, authorizing 53 of your majesty's counsellors, to consult and advise your maj. of some ways to raise money, by imposition, or otherwise. And although we have received satisfaction, from some of your majesty's council, that this was no more than a commission or warrant to advise only; yet, to free your subjects of all jealousies, and because this way of requiring advice, under the great seal, does seem unusual, we do humbly beseech your maj. to cancel the said commission; and, if it be enrolled, to vacate the same also, with the warrant; and to give the lord-keeper orders to effect this with all convenient speed."

The same committee delivered in another Message, drawn by them, to the king, against Dr. Manwaring's Books; desiring his maj. to put out his Proclamation to call in the said books, that they might be all burnt in London and Westminster, and at both the universities Also to inhibit the reprinting of them under severe penalties, &c. Both these Messages were approved of by the lords, and ordered to be delivered to his maj. by the lord keeper, in the name of the whole house.

The Lords Exceptions to the Form of the

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Subsidy Bill] June 17. The commons had now sent up their bill of Subsidies to the lords, and had read it twice; but finding some exception, for naming the commons only in the grant, they agreed to have a conference with them about it. Accordingly a message was sent to the lower house, to desire a conference touching certain matters, tending to the preservation of the good correspondency between both houses. Answered, 'They would attend presently.' It was then agreed, 'That the lord-keeper should signify to the commons, at this conference, the great care the lords have had, all this parliament, to continue a right understanding between both houses, which cannot be done well nothing is to be added upon by either house. To shew the truth, in the point of the bill of Subsidies, which they have sent up, only the commons are named, whereas in many precedents, even to the last parliament, it is, "We your maj.'s most humble and loyal subjects, in your high court of parliament, &c." neither naming the lords nor yet the commons. That the lords conceive this might happen, rather by some slip, than done of set purpose. To move them, that the word "commons" may be struck out; for as the commons give their Subsidies for themselves, and for the representative body of the kingdom, so likewise the lords have the disposition of their own.'—This being delivered to the commons, at the conference, their committee said, 'They must make known this proposition of the lords to their whole house; and hoped speedily to return to them an Answer.' But, on their coming back, they only said, 'That there was nothing more desired than good correspondency between the lords and them; which they esteemed an earthly paradise that they had taken their lordships proposition, for altering the bill, into consideration, and they will in a matter of more moment than to be suddenly resolved on; but the next morning they will consider further of it, and return an Answer with a convenient speed.'

June 18. A Message was brought by sir Edw. Coke and others, 'That the commons had considered of their lordships proposal, about the Subsidy Bill; and as they had always endeavoured to keep up a good correspondency between the two houses, knowing well that it is the very heartstring of the common wealth, so they should be ever as zealous of their lordships privileges as of their own rights.' This ambiguous answer left all the commons sent, but yet the lords were content with it, and expressed great joy and content, as it is termed in the message. There was also another conference held the same day, concerning a proper title to be given to their Petition of Right, and the enrolling and printing of the same.

This day the lord keeper reported the king's Answer to the two Messages, concerning the cancelling the commission of Excise, and about Dr Manwaring's Book, "That their lordships had reason to be satisfied with what was truly and rightly told them by the lords of the council, that this commission was no more than a warrant of advice, which his majesty never would be agreeable to that time and to the ancient old occasions then in hand: but now, having a supply from the five and subsidies, he esteems that commission useless, and therefore, though he knows no cause why any jealousies should have been thereby, yet, in their desires, he is content that it be cancelled, and hath commanded to bring both the commission and warrant to him, to be cancelled in his presence." As to Dr. Manwaring, his majesty said, "That he was well pleased with their request, and would order the attorney-general to prepare a proclamation accordingly."

June 19. The lord president of the council acquainted the lords, 'That his majesty had caused the Commission so much complained of by the commons, with the warrant for putting the seal to the same, to be cancelled in his presence.' His lordship openly showed them so cancelled at the house, in which a Message was sent to the commons, along with those instruments: but with orders to bring them back again, when shewn to that house.

June 20. The Petition of Right was agreed to by the lords and commons, and approved by the king in these words, "The Petition exhibited to his majesty, by the lords spiritual and temporal, and commons, in this present parliament assembled, concerning divers Rights and Liberties of the Subjects; with the king's most royal Answer thereunto, in full parliament." Agreed also, 'That the king's Answer, in French, should be printed in English for the better satisfaction of the subject.'

Dr. Manwaring's Submission] June 21 Dr. Manwaring was brought to the bar, in order to read and subscribe the following Submission, which a committee of lords had drawn up for that purpose, viz.

"May it please this honourable House, I do here, in all sincerity of heart and true repentance, acknowledge the most [illegible] and indiscretions which I have committed, in preaching and publishing those two Sermons in time, which I called 'Religion and Allegiance,' and my great fault in bringing out the theme again, and handling the same rashly and unadvisedly, in my own parish church of St Gile in the Fields, the 4th of May last past. I do fully and truly confess, 8 Sermons it mine, to have been full of many dangerous passages, inferences, and scandals dispersed in most parts of the same: and I do humbly acknowledge the justice of this honourable House, in that judgment and Sentence passed upon me for my great offence: and I do, from the bottom of my heart, crave pardon of God, the king, and this honourable house, the church, and this commonwealth in general, and those worthy persons adjudged to be reflected upon by me in particular, for these great errors and offences.—ROGER MANWARING."

After this, the doctor was led into the house

Printed and sold by the [illegible]

of commons by the warden of the Fleet prison, where he made the same submission, on his knees, at their bar.

Debate in the Commons on the Bill for Tunnage and Poundage.] The commons had now resumed their debate on the bill for Tunnage and Poundage, in which Mr. Selden's arguments chiefly turned on these points:—'That whereas the king's counsel objected, that 1 Eliz. saith, it was granted time out of mind to the king, he feared his majesty is told so, and some body doth ascertain him so: but we may clear that, for not only 1 Eliz. but also in the statute of 1 Jac. the words 'time out of mind' is, That where king Hen. 7. and other his majesty's progenitors, have had some Subsidy for the guarding of the seas, and there was never a king but had some Subsidy, in that sense it is, indeed, 'time out of mind;' yet is it a matter of free gift for public bills, the king saith, 'Le Roy le veult;' for Petitions of Right, 'Soit droit fait comme il est desiré.' For the bill of Subsidies, it is thus, 'the king heartily thanketh the subjects for their good wills,' in all the bills of Tunnage and Poundage is the very same answer, save one, which was 1 Eliz. and but for that only mistake of the clerk, it hath ever the same assent as the bill of Subsidy.'

Remonstrance of the Commons to the King on that Subject.] Upon this debate it was ordered, "That a committee be appointed to draw up a Remonstrance to his majesty of the People's Rights, and of the undue taking of Tunnage and Poundage, and Impositions, without act of parliament, and to shew the reasons why the house cannot, in so short a time, prepare that bill."—The Remonstrance was as followeth —

"Most gracious sovereign; Your majesty's most loyal and dutiful subjects, the commons in this present parliament assembled, being in nothing more careful, than of the honour and prosperity of your majesty and the kingdom; which they know do much depend upon that happy union and relation betwixt your majesty and your people: do with much sorrow apprehend, that (by reason of the uncertainty of their continuance together, the unexpected interruptions which have been cast upon them, and the shortness of time in which your majesty hath determined to end this session) they cannot bring to maturity and perfection, divers businesses of weight, which they have taken into their consideration and resolution, as most important for the common good: amongst other things, they have taken into especial care the preparing of a bill, for the granting of your majesty such a Subsidy of Tunnage and Poundage, as might uphold your profit and revenue in as ample a manner, as their just care and respect of trade (wherein not only the prosperity, but even the life of the kingdom do consist) would permit: but being a work which will require much time and preparation, by conference with your majesty's officers, and with the merchants, not only of London, but of other remote parts, they find it not possible to be accomplished at this time: wherefore, considering it will be much more prejudicial to the right of the subject, if your maj. should continue to receive the same, without authority of law, after the determination of a session, than it there had been a recess by adjournment only; in which case, that intended grant would have related to the first day of the parliament and assuring themselves, that your maj. is resolved to observe your royal Answer, which you have lately made to the Petition of Right of both houses of parliament; yet desiring lest your majesty may be misinformed concerning this particular case, as if you might continue to take those subsidies of tonnage and poundage, and other impositions upon merchants, without breaking that Answer: they are forced, by that duty which they owe to your maj. and to those whom they represent, to declare, 'That there ought not any imposition to be laid upon the goods of merchants, exported or imported, without common consent by act of parliament; which is the right and inheritance of your subjects, granted not only upon the most antient and organic constitutions of this kingdom, but often confirmed and declared in divers statute laws.'—And for the better manifestation thereof may it please your majesty to understand, That although your royal predecessors, the kings of this realm, have often had such subsidies and impositions granted unto them, upon divers occasions, especially for the guarding of the seas, and safe-guard of merchants; yet the subjects have been ever careful to use such cautions and limitations in those grants, as might prevent any claim to be made, as if such subsidies did proceed from duty, and not from the free gift of the subjects. And that they have heretofore used to limit a time in such grants, and for the most part but short, as for a year or two; and if it were continued longer, they have sometimes directed a certain space of cessation or intermission, that so the right of the subject might be more evident. At other times it hath been granted upon occasion of war, for a certain number of years, with proviso, That if the war was ended in the mean time, then the grant should cease: and of course it hath been sequestred into the hands of some subjects, to be employed for the guarding of the sea coasts.—It is acknowledged by the ordinary answers of your majesty's predecessors, in their assent to the bills of Tonnage and Poundage, that it is of the nature of other subsidies, proceeding from the good-will of the subject: very few of your predecessors had it for life, until the reign of Hen 7. who was so far from conceiving he had any right thereunto, that, although he granted commissions for collecting certain duties and customs due by law, yet he made no commissions for receiving the subsidy of Tonnage and Poundage; until the same was granted unto him in parliament. Since his time, all the kings and queens of this realm

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have had the like grants for life, by the free love and good-will of the subjects. And whensoever the people have been grieved, by laying any imposition or other charges upon their goods and merchandizes, without authority of law which hath been seldom, yet, upon complaint in parliament, they have been forthwith relieved: saving in the time of your royal father, who having, through ill counsel, raised the rates and charges upon merchandize to that height at which they now are, yet he was pleased so far forth to yield to the complaint of his people, as to offer, That if the value of those impositions, which he had set, might be made good unto him, he would bind himself and his heirs, by act of parliament, never to lay any other which offer the commons at that time, in regard of the great burden, did not think fit to yield unto. Nevertheless, your loyal commons in this parliament, out of their especial zeal to your service, and especial regard of your pressing occasions, have taken into their consideration, so to frame a gracious Subsidy of Tonnage and Poundage, that your royal might be the better enabled for the defence of your realm, and your subjects, by being secure from all undue charges, be the more encouraged chearfully to proceed in their course of trade; by the first whereof, your majesty's profit, and likewise the strength of the kingdom, would be very much augmented.—But not being hasted to accomplish this their desire, there is no course left them, without manifest breach of their duty, both to your majesty and their country, safely to make this humble Petition, That the receiving of Tonnage and Poundage, and other Impositions, not granted by parliament, is a breach of the fundamental liberties of this kingdom, and contrary to your majesty's royal Answer to the Petition of Right: and therefore they do most humbly beseech your maj. to forbear any further coming of the same, and not to require it of any part from those of your majesty's loving subjects, who shall refuse to make payment of any such charges, without warrant of law demanded. And as by this forbearance your excellent maj. shall manifest unto the world your royal justice, in the observation of our laws, so they doubt not but before the time appointed for their coming together again they shall have occasion to express their utmost desire to advance your majesty's honour and profit."

The King prorogues the Parliament to August.] The king being informed of these proceedings, thought proper to put a stop to them. Accordingly on the 26th of June, the day appointed for the prorogation, the Speaker was sent for to court in the morning, so that Rushworth says, he came not into the house till about nine o'clock. And, after prayers, whilst their new Remonstrance, concerning Tonnage and Poundage, being engrossed, was reading, the king sent for the Speaker and the whole house to attend him in the house of

bill of [illegible] last session of parliament
standing [illegible] ordered [illegible] Mr Selden,
and shewed, ' [illegible] Petition of Right
that ever was given [illegible] grants of Ma-
so craving pardon [illegible] ments at W-
and his own, he pre[illegible] master [illegible] moiety, t
al assent. Then [illegible] by statute [illegible] 19,
bills, which were [illegible] premeditate [illegible]
the lord-keeper, [illegible] [illegible] Mr
rogued this parliament [illegible] the 20th of
next

The most remarkable occurrences happened in the interval between [illegible] sessions of this parliament, were, that [illegible] first set about answering the desire [illegible] subjects, in suppressing by proclamation [illegible] Dr. Manwaring's sermons. By another proclamation, directions were given to the commissioners to compound with Papists for [illegible] two parts in three of their estates [illegible] easy terms. Another commanded all [illegible] priests, jesuits, and others, who had [illegible] ders, by authority of the see of Rome, [illegible] be diligently sought for, apprehended and committed to the gaol of that county where [illegible] should be found, &c.—About this time [illegible] Weston, chancellor of the exchequer, was made a peer of the realm, and had the [illegible] surer of England. Dr. Laud was [illegible] from St David's to the bishoprick of [illegible] and sir Tho. Wentworth created baron Wentworth; all three persons greatly concerned [illegible] the sequel of these enquiries. Dr Manwaring and Dr. Manwaring, both of whom had been censured by parliament, were promoted by the king; the former was also preferred to the bishoprick of Chichester, and the latter [illegible] to the rectory of Stanford Rivers in Essex, and a dispensation to hold it with the rectory of St. Giles's in the Fields. It was also ordained, that another expedition should be undertaken to relieve Rochelle, then [illegible] by the French; and a fleet being prepared for that purpose to go under the command of the duke of Buckingham, that noble [illegible] bled and fell only to the heart by [illegible] circumstances of this murder are [illegible] known to need any repetition here; [illegible] of it is averred to have [illegible] parliaments. The [illegible] duke that [illegible] a public enemy to his country.

The Petition of Right again] On the proclamation came out to prorogue the parliament, from the 20th of the month of January following, upon which both houses met. The first thing they [illegible] was to order a revival of all [illegible] their affairs. A call of the house was ordered, on the 27th

The Commons Inquiry relative to the Petition of Right] January 31. The house proceeded to take into consideration [illegible] things the Liberty of the subject had suffered [illegible] under, against their Petition of Right

* See Sanderson's Life of Charles I. [illegible] most unjust and illegal [illegible] [illegible] [illegible]

doth not belong unto them by any grant from your maj.; and tends both to the disservice and prejudice of your maj and your realms, and to the great disparagement of your English nobility, as by the records hereto annexed may appear.—We therefore beseech your maj of whose tender care to preserve the antient honour and dignity of your nobility we are throughly persuaded, that, your majesty's wisdom and goodness being so extraordinary, you will be pleased, according to the example of the best of princes and times, upon the consideration of the manifold inconveniences which practice and observation of circumstances have brought to light, being represented unto you by the nearest body of honour unto you, and nearest concerned in this, and offered with as much faith and humility as they can devise; for the avoiding of all debate and contention, which, upon this occasion, may arise either for the present or future, that some course and ordermay be timely settled therein by your princely wisdom, as that thereby the inconvenience of your majesty's service may be prevented; and that the prejudice and disparagement of the peers and nobility of this kingdom may be redressed."

"The Reasons alledged by the Lords

1 "We hold it to be new, and not warranted by any ancient precedents, that subjects of this kingdom, whose habitations, estates, and possession are principally within this your majesty's realm, should have titles of honour in other kingdoms, where they have small or no estates and do not abide. 2. That it may be cause of great discontentment to your majesty's subjects in Ireland, that so great a number of those, who have no estate to oblige them to the defence of that kingdom, should give voices in parliament, there to make laws. As also it may be great danger to that country, if times of hazard should come. Which weighty considerations have wrought so far with your majesty's royal predecessors and the whole estate, that an act of parliament was passed, which took away great estates of land in Ireland from some of the noblest subjects in this kingdom, only in contemplation that their want of residence there upon their lands might endanger that kingdom. 3. That it is a great disservice to your maj and this country, that those who live amongst us, should, by foreign titles, exempt themselves from those services of trust and charge, which others of as good birth and estate here undergo and do, whereby it happeneth often, that either persons of good quality are more frequently burdened, or the charge falls upon them of meaner condition and less ability; not without prejudice to the service, and discontentment to the persons that undergo it, as also of loss to your maj and grief to your subjects in those places where the honours are given. That although they draw to your new creation-money, yet they do not help nor assist there to any necessary charge or contribution. 4. That it is conceived to be contrary to the fundamental laws of these kingdoms, that any should be invested with any hereditary honour, where he hath not an estate both to oblige him and his to the care and defence of that kingdom, and make himself fit that responsible to the justice of that place where his person is privileged; and of great grief to your faithful nobility of this realm (who have yielded, out of civility and courtesy to strangers) that they should be disturbed in those ranks and degrees, which the grace of princes, grounded upon merits, long time have settled them in, by others of their own nation of meaner quality; in whom no other cause appears but ambition to precede others, not ground of merits or estate to warrant it in these places, where they have sought titles; it being a great diminution to your nobility and their children, and the antient gentry of this kingdom. 5. That honour, both in the nature of itself, and practice of former times, being atchieved, principally, by virtue and desert, and it being one of the chiefest marks by which the best of princes made impression thereof to descend, hereditarily, in the most deserving families, which was, by generous spirits, esteemed above all other rewards: we leave it unto your majesty's prudent consideration of how great inconveniency it is to alter or lessen the value of that reward; which was of so much honour, and no charge unto your maj. and of so great contentment and ease unto your people; which may be demonstrated in many particulars too long now to rehearse.—Further, we hold it in no small degree derogatory to the very foundation of nobility itself, which is the stop and circle that compasseth the royal throne, that those who bear a title, and claim its precedency before many of us, should fall so low in the people's eyes and esteem, as to be daily subject to arrests of their persons, and all other circumstances of dore-peet, which the meanest subjects undergo, being in the eye of the law but commoners.—To conclude: this is a cause of grief, being, in our opinion, as to the practice of it, new and unusual; in the consequence not without danger and discontentment in your realm, and subjects of all degrees, in the nature of it contrary to the foundation of the grounds of honour laid in this kingdom, and the whole course of it breeding ill effects to the great content your majesty and the public, disvalue and contempt to nobility itself, which is the degree interposed immediately betwixt your maj and your people: we can no where so justly appeal as to your maj. the fountain of honour, for a timely remedy against this great and growing inconveniency for the present and future. And as your majesty's honour is equally concerned in this with the interest of your kingdoms and subjects; so we doubt not, but it shall appear to the world, that your maj.'s gracious care is to reduce and maintain your nobility in their antient lustre, which shall equally tend to your majesty's service and happiness, and to our

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Feb. 10 The lord-keeper reported the king's Answer to the above Petition, to this effect: That the matter was of weighty consequence: and as their lordships had sat some days to prepare the same, so he would take some time to consider of an Answer to it. That the form of the Petition and manner of delivering of it was such, as he could not but interpret well of their lordships proceedings; yet he must say that it is easier to prevent an inconvenience, than redress it when it has happened."—It is probable that the disagreement then arising between the king and the house in common, which occasioned the sudden dissolution of this parliament, was also the reason why no further Answer was given to this Petition, for we meet with no more about it. And nothing else of any consequence happening in the upper house in this session, we shall pass on to the transactions of the commons.

Complaint of seizing the Goods of a Member for refusing to pay Tonnage.] Feb 10 The before-said Complaint respecting the seizing of Mr Rolles's goods, having been made to the house,

Sir *Robert Philips* got up and said, 'By this information you see the misfortune of these times, and how full time it was for this assembly to meet to serve his majesty and preserve ourselves; and I am confident we came hither to do both; and may all we shall do end in an happy end and conclusion,' to the king's honour and our own safety! Great and high things wound deep, cast your eyes which way you please, you may see violations upon liberties. Look on the liberty of the subject: look on the privilege of this house, let any say if ever he read or saw the like violations by our ministers that overdo the commands. They knew the party was a parliament-man in this; they said, if all the parliament was in this they would do and justify nothing the denial of the replevin. It was with the liberty of he house to wither, out of fear or compliment, we shall give a wound to the happiness of this kingdom. Here the course of justice was interrupted: order was made in the exchequer for the stay of the goods: and no other is a seizure, upon the approach or parliament of goods amounting unto 3000*l* for pretended duties of 200*l*. In the 1st of king James by reason of the sickness, that then was, the parliament was prorogued, and then there was some boldness to take Tonnage and Poundage: yet, after, we questioned the men that demanded it, for there was no right to demand it. Let us proceed with perseverance in our duties to make up breaches: let a committee be appointed to consider of these duties.'

Mr *Littleton* 'We have had good admonitions, and we have followed them. We have had moderation preached to us in parliament, and we follow it. I would others did the like out of parliament. Let the parties be sent for that violated the liberties of parliament, that they may have their doom.' [This speech was occasioned by Secretary Cooke, who had desired moderation might be used.]

Sir *John Elliot* 'I see by the [illegible] what cause we have to be [illegible] of the kingdom, [and] of this [illegible] and yet would to return thus [illegible] satisfaction to the world that [illegible] to serve his majesty and to free [illegible] house. Three things are [illegible] The right of the subject [illegible] the right of the subject [illegible] privilege of the house. Let the [illegible] consider of the two former: and [illegible] of the liberties of this [illegible] their forefathers. [illegible] formation of a member [illegible] notice? Let us send for the [illegible] here a fact denied of the [illegible] goods? Was it not also said, 'That till the parliament were continued in [illegible] as they left?' [illegible] — [illegible] upon record till he [illegible] of the custom-house be sent for.'

Then Mr. Selden returned from the committee concerning the [illegible] of the Petition of Right, 'That [illegible] 500 copies printed without any Additions, which were published in the [illegible] parliament, other copies have been printed [illegible] additions, the former suppressed [illegible] waste paper; which the printer [illegible] by the [illegible] mand of Mr Attorney [illegible] from his majesty. And [illegible] further said, That Mr Attorney [illegible] privy seal at Whitehall, [illegible] the seal had directed to the printers with divers words to them; and [illegible] he were in [illegible] words, 'We [illegible] command you that these copies be printed.'

Complaint of Arrests on that Occasion.] Jan 28 A Message was brought by Secretary Cooke, from the king to the lower house, viz. "Whereas there hath been a debate in this house concerning the arrest of Merchants-Goods by his majesty's ministers, his majesty will that any further debate or proceedings, in that case, may be forborn till to-morrow at 2 of the clock in the afternoon; when his majesty resolves to speak with both houses in the Banqueting-house in Whitehall; and hereof was to take notice."—The king's Speech was as follows:

"My lords and gentlemen; The care I have to remove all obstacles that may hinder the good correspondency, or cause a misunderstanding between us and his parliament, made me call you hither at this time, the particular occasion being a Complaint lately moved in the lower house.—For you, my lords, I am glad to take this and all other occasions whereby you may clearly understand both my words and actions; for as you are nearest in degree, so you are the fittest witnesses for kings.—The complaint I speak of, is for staying Men's Goods that deny

* The passages in crotchets [ ] are supplied from the MSS. before mentioned. There are also several corrections passim, too minute to be particularized.

Tonnage and Poundage This may have an easy and short conclusion, if my words and actions be rightly understood for, by passing the bill as my ancestors have had it, my by-past actions will be concluded, and my future proceedings authorized which certainly would not have been struck upon, if men had not imagined, that I had taken those duties as pertaining unto my hereditary prerogative, in which they are much deceived, but ever was, and still is my meaning, by the gift of my people to enjoy it; and my intention in my speech at the end of the last session, was not in challenge Tonnage and Poundage as of Right, but de bene esse; shewing you the necessity, not the right, by which I was to take it, until you had granted it unto me assuring myself, according to your general professions, that you would time and not unadvisedly to give it me — Wherefore, having new opportunity, I expect that, without loss of time, you make good your former professions; and so, by passing the bill, to put in end to all questions arising from this subject, especially since I have removed the only scruple that can trouble you in this business —To conclude. let us not be jealous one of the other's actions, for, if I had been easily moved at every occasion, the order made in the lower house, on Wednesday night last, might have made me startle there being some shew to suspect, that you had given yourselves the liberty to be the inquisitors after complaints, the words of your letter being somewhat too large penned but, looking into your actions, I find you only to be complainers, not seek complaints, for I am certain you neither pretend nor desire to be inquisitors of men's actions before particular complaint be made —This I have spoken to shew you how slow I am to ill here harshly in your proceedings; likewise to assure you, that the house's Resolutions, not particular men's speeches, shall make me judge well or ill; not doubting but, according to my example, you will be deaf to all ill reports or rumours concerning me, until my words and actions speak for themselves that so this session beginning with a confidence one toward another, it may end in a perfect and good correspondency between us, which God grant "

Jan. 26. Mr. Waller informed the house of divers ships laden with Corn for Spain and other enemies countries. whereupon a committee was appointed about the trading into Spain and other Enemies Countries, and concerning the transporting Corn and Munition thither It was thereupon ordered, that some of the privy-council should move the king about the stay of the said ships.

Debate on Grievances in Religion.] Mr. Secretary Cooke moved, 'That the bill of Tonnage and Poundage might be read but, after some debate, it was diverted; and then the house fell upon point of Religion.'

Mr *Sherland* said, ' We have a religion that is worth the loving with all our hearts It was sealed with the blood of martyrs and confirmed by miracles, and now to have our noses wiped of this would grieve any heart, much more see our religion quite taken away, designs daily made on it, and Arminianism still to increase as it doth, it maketh me not a little to admire. I am persuaded that the greater part of the nobility, clergy, and gentry are firm: but it is the desires of some few that labour to bring in a new fashion of their own; and so they drop into ears of his majesty, that those that oppose them, oppose his king putting him upon designs that stand not with publick liberty, and tell him, that he may command what he listeth, and do as he pleaseth with our goods, lives and religion, whereby they have insulted all good true-hearted Englishmen and Christians under the name of Puritans, and make their quarrels to be his majesty's which is treason in the highest degree and quality.'

Mr *Rouse* ' We have of late entered into consideration of the Petition of Right, and the violation of it, and upon good reasons, for concerns our goods, liberties and lives: — there is a right of an higher nature that preserves us for greater things, even the Eternal life, our souls, you nor God himself; a right of religion derived to us from the King of Kings, continued to us by the kings of this kingdom, and enacted by laws in this parliament, and witnessed from heaven by miracles, even miraculous deliverances and this right, in the time of this nation, I thank God is in and desire that there may be a deep and serious consideration of the violations of it I desire, first, it may be considered what new paintings are laid on the old face of the Whore of Babylon, to make her more lovely, and how it is more suitors to her I desire that it may be considered how the see of Rome doth eat into our religion, and fret into the blades and walls of it, I mean the laws and statutes of this realm, especially since those laws have been made, in a manner by themselves, even by their own treasons and bloody designs; and since their popery is a confused mass of errors; casting down kings before popes, the precepts of God before men's traditions, and living and reasonable men before dead and senseless stocks and stones.—I desire that we may consider the increase of Arminianism, an error that maketh the grace of God lackey it after the will of man, that maketh sheep to keep the shepherd, and makes mortal seed of an immortal God. I desire that we may look into the very belly and bowels of this Trojan Horse, to see if there be not in it men ready to open the gates to Romish tyranny and Spanish monarchy: for an Arminian is the spawn of a Papist; and if there come the warmth of court-favour upon him, you shall see him turned into one of those frogs that arose out of the bottomless pit.—And if ye mark well, you shall see an Arminian reaching out his hand to a Papist, a Papist to a Jesuit, a Jesuit gives one hand to the Pope, and the

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to know the established and fundamental truths, and the contrary to them; for parliaments have confirmed acts of general councils, which have not been received until they have been so authorized, and parliaments have enacted laws for trial of heresies by juries. The parliament punished the earl of Essex for countenancing of heretics, and there is no court can meet with these mischiefs, but the court of parliament. The convocation cannot; because it is but a provincial synod, only of the jurisdiction of Canterbury; and the power thereof is not adequate to the whole kingdom, and the convocation of York may, perhaps, not agree with that of Canterbury. The high commission cannot, for it hath its authority derived from parliament, and the derivate cannot prejudice the original, the judgment of the parliament being the judgment of the king and of the three estates of the kingdom.'

Sir *F. Seymour.* 'It Religion be not a rule to all our actions, what policy can we have? If God fight not for us and in our battles, the help of man is in vain. The cause of our defeats is our defects in religion, and the sins of idolatry and popery. Papists increase more now than ever, neither do they want their priests and masses; nay, his majesty's name is used to slow proceedings against papists, and that since the last parliament, contrary to his majesty's goodness and public professions, nay, to his own proclamations and instructions to the judges, and whatsoever is done in the country is undone there.'

Sir *R. Philips.* 'I hold myself much bound to those gentlemen that first set this on foot, if any man be so zealously transported in this, it is for his religion, let that excuse him. Two sects are damnably crept in to undermine king and kingdom, if not now prevented, the one antient, Popery, the other new, Arminianism. What misery befel the Jews when they broke their peace with God? What hath blasted our designs since these heresies crept in? Have we not still turned the back upon our enemies? I am afraid that God sitteth in the council of our enemies against us. Doth not God plague us with enemies abroad and destruction at home? We are become the most contemptible nation in the world; are not our miseries and our crosses daily increased? With grief do I express that fatal perishing of the late hopeful prince of Bohemia; let us humble ourselves before God, by fasting and prayer, that we may bring him again into England to bless our armies, and that God may crown our actions and bless our counsels.'

The same day a Petition was exhibited against one Lewis, that, about the 25th of Dec last, he said, 'The Devil take the parliament;' which was avowed by two witnesses and though it was spoken out of parliament, yet it was resolved to be an offence unto the parliament, and it was ordered he should be sent for.

The Petition of both Houses for a Fast.] Sir N. Rich tendered a Petition concerning the Fast, whereupon it was ordered, 'That a conference should be desired with the lords about the Petition for a Fast, who desired to join with the lower house; and thereupon it was referred to the king accordingly, by the abp. of York, in the name of both houses; viz.

"Most gracious sovereign; It is the real and earnest desire of us your most dutiful subjects, the lords spiritual and temporal, and commons in this present parliament assembled, that this our meeting may be abundantly blessed with all happy success in the great affairs of church and state, upon which we are to consult, and that by a clear understanding both of your majesty's goodness to us, and our faithful and loyal hearts to your person and service (all jealousies and distractions, which are apparent signs of God's displeasure and causing mischief, being laid aside and removed) there may, in this session, and for ever, be a perfect and most happy union and agreement between your maj. and all the estates of your realm; but humbly acknowledging, that neither this nor any other blessing can be expected with out the special favour of Almighty God, and having upon the observation of the continued and increasing miseries of the Reformed Churches abroad, whose cases with bleeding hearts we do commiserate, as likewise of the punishments already inflicted, and which are likely in great measure to fall upon ourselves) just cause to conceive, that the Divine Majesty is, for our sins, exceedingly offended with us. We do in this, and other pious respects, most dear sovereign, humbly beseech your most excellent maj. that by your royal command, not only ourselves, but all the people of this your kingdom may be speedily enjoined, upon some certain day, or days, by your maj. to be prefixed, to public fasting and prayer, to seek reconciliation at the merciful hands of Almighty God; so as the prayers of your whole kingdom, joined with your majesty's princely care, and the faithful and hearty endeavours of this great council now assembled, may procure glory to Almighty God in the preservation of his true religion, much honour to your majesty, prosperity to your people, and comfort to all your maj.'s friends and allies."

The King's Answer.] To this the king gave the following Answer: "My lords and gentlemen, the chiefest motive of your Fasting, being the deplorable estate of the reformed churches abroad, is but too true; and our duty, so much as in us lieth, is to give them all possible help: yet certainly fighting will do them more good than fasting. Though I not wholly disallow the latter, yet I must tell you, that the custom of fasting every session is but lately begun; and I confess I am not fully satisfied with the necessity of it at this time; yet to shew you how smoothly I desire your business to go on eschewing as much as I can questions or jealousies, I do willingly grant your requests herein; but with this note, That I expect that this shall not hereafter be brought into a precedent for frequent fasts, except upon great occasions; and, for the form and time, I

...ndise with ...
...a particular ...
...Mr. Wynn ...
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it, now to dispute it. Shall posterity think we have enjoyed our religion fourscore years almost, and are we now doubtful of the defence? God forbid. It may be, sir, and out of some things lately delivered I have not unnecessarily collected, that there is a jealousy conceived, as if we meant so to deal with matters of faith, that did not perhaps belong unto us, as to dispute of matters of faith. It is our profession, this is not to be disputed, neither will that truth be receded from this long time held; nor is that truth decayed, it is confirmed by parliament, because it was truth. And this, sir, before I come to deliver myself more particularly, give me leave, that have not yet spoken in this great cause, to give some apprehension I have of fear; for it is not in the parliament to make a new religion, neither, I hope, shall it be in any to alter the body of that truth which we now profess. I must confess, sir, amongst all those fears we have contracted, there ariseth to me not one of the least dangers in the Declaration, which is made and published in his majesty's name, and yet, sir, this conclusion, exclusively let me say, that I may not be mistaken, whatsoever in this, or other things, shall appear to make mention of his majesty, we have not the least suspicion of jealousy of him. We have that comfort in his piety and goodness, as if there be any misprision or error, I hope it is by those ministers about him which not only he, but all princes are subject unto.—And to clear this, that princes are subject to misinformation, and many actions may be justified in their names, when there is no suspicion of it to be done by themselves, give me leave to look back into precedents of other times, and what I find written in those stories may be useful in this. Antiochus, of Asia, sent his letters missive to his provinces, &c.: that if they received any dispatches in his name not agreeable to justice, 'Ignoto se literas esse scriptas, ideoque eis non parerent,' as I find by Plutarch of the Great Antiochus of Asia, who saith, That princes are obnoxious to abuses of ministers, and it could not at all times be prevented, and therefore he sent messengers and letters to all his provinces, that if there were any letters or dispatches sent out in his name, that came to them, that were not warrantable by law, and agreeable to justice, it should not be conceived to be done by him and therefore they should not give way to it. Sir, I find it in another book, and I beseech you let it be rightly apprehended, for I hope I shall be clear from misprisions. Gratian did not only note and confess the same, but added the reasons also, which the masters of the civil law can testify from their books, wherein it is thus expressed, 'Quid, inverecunda potentium instigatione, principes sæpe trahuntur ut non concedenda concedant.' 'Because that many times, with the importunity of ministers and those about them, princes are drawn to grant things not fit to be granted by them.' As it was in that, so it may be in this. I speak it to this end, to draw it to this conclusion, That if there be anything that carrieth the title of his may, it may be the fault of his ministers; far be it from me to have suspicion of him. And now to that particular, in that Declaration; wherein, I confess, with me, is an apprehension of more fear than I have of all the rest; for in the last particulars we heard what is said of Popery and Arminianism. It is true our faith and religion is in danger, but it is by degrees. Here, sir, like an inundation, it doth break in at once, that we are in danger to be ruined and overwhelmed; for, I beseech you mark, the ground of our religion is continued in these Articles. If there be any difference of opinions, concerning the sense and interpretation of them, the bishops and clergy, in convocation, have a power admitted to them to do any thing which shall concern the continuance and maintenance of the truth professed, which truth being contained in these Articles, and these Articles being different in the sense, if there be any dispute about that, it is in them to order which way they please and for ought I know, Popery and Arminianism may be a sense introduced by them, and then it must be received. Is this a slight thing, that the power of Religion must be drawn to the persons of those men? I honour their profession and honour their persons, but give me leave to say, the truth we profess is not men's, but God's; and God forbid that men should be made to judge of that truth. Look upon the conclusion they have made, and from thence I draw their argument. I remember a character I have seen in a diary of Edw. 6. that young prince of famous memory, wherein he doth express the condition of the bishops and clergy in his time, and saith, under his own hand-writing, 'That some for sloth, some for ignorance, some for luxury, and some for popery, are unfit for discipline and government.' Sir, I hope, it is not so with us: nay, give me leave to vindicate the honour of those men, that openly shew their hearts to the truth. There are amongst our bishops such as are fit to be made examples to all ages, who shine in virtue, like those two faithful witnesses in Heaven, of whom we may use that eulogy which Seneca did of Catus; that to their memories and merits, 'Nec hoc quidem obstet quod nostris temporibus natusint,' and to whose memory and merit I may use the saying, That the others faults are no prejudice to their virtues, who are so industrious in their works, that I hope posterity shall know there are men that are firm for the truth. But, sir, that all now are not so free, sound and orthodox in religion as they should be, witness the men complained of; and you know what power they have: witness those men nominated lately, Mr Montague, &c. I reverence the order, I honour not the man others may be named as bad. I apprehend such fear, that should it be in their power, we may be in danger to have our whole religion overthrown. But I give this for testimony, and thus far do express myself against

all the power and opposition of these men; or whensoever any opposition shall be, I trust we shall maintain the religion we profess, for in that we have been born and bred; say, sir, if we do, in that I hope to die. Some of these, sir, you know are masters of ceremonies, and they have to introduce new ceremonies in the church. Some ceremonies are useful: give me leave to join in one that I hold necessary and commendable, That at the repetition of the Creed we should stand up to testify the Resolution of our hearts, that we would defend that religion we profess; and to some churches it is used, that they did not only stand upright with their bodies, but with their swords drawn: and if cause were, I hope, to defend our prince, country, and religion, we should draw our swords against all opposers.—This I speak out of the care I have to maintain the honour of our king against those, who, I fear, by these innovations of religion, may have sought to undermine it. But, to come to the manner and method of our proceedings, having made this excursion, I desire, to the end we may avoid confusion and distractions, that we may go presently to the ground of our religion, and lay that down as a rule on which all may rest: that when that is done, it will be time to take into our consideration the breakers and offenders against this rule. But before we have laid down that, our work will be in vain heretofore, first, let us lay down the proposition, wherein we differ from the Arminians, and in that I shall be ready to deliver my opinion: and this is my humble motion.'

Jan. 29. Mr. Secretary Cooke brought a Message from the king: viz.

"His majesty upon an occasion of dispute in this honourable house, about Tunnage and Poundage, was pleased to make a gracious Declaration, wherein he commended unto us the speedy finishing thereof: and to give a precedent hereto. And his majesty expects rather thanks than a remonstrance; yet his majesty will not interrupt you, so that you trench not on that which belongs not to you. But his majesty still commands me to tell you, that he rejects precidency of Tunnage and Poundage, assuring himself, that he hath given no occasion to put it back, and so hopeth you will not put it off."

Mr. *Long*: 'I cannot but with much sorrow speak, seeing that we are still pressed in this point. I hoped those near the chair would have truly informed his majesty of our good intentions: but we see how unhappy we are, for some about his majesty make him diffident of us.'

Sir *Tho. Edmunds* (treasurer of the household): 'I am sorry this house hath given occasion of so many messages about Tunnage and Poundage, after his majesty hath given us so much satisfaction, you may perceive his master, sensible of the neglect of his business, we that know this, should not discharge our duties, did we not persuade you to that course which should procure his majesty's good opinion of you. Yourselves are witnesses how industrious his majesty was to procure you gracious laws in his father's days, and since that what enlargement he hath made of our liberties; and still we give him cause to repent him of the good he hath done. Consider how unwilling he is to ruffle his majesty's heart from parliaments.'

Mr. *Corston*: 'When men speak here of neglect of duty towards his majesty, let them know we know no such thing, nor what they mean. I am not how we neglect the same. I see it is all our hearts desire to expedite the bill of Tunnage and Poundage, in the time; our business is still put off by chargeable messages, and in a business in hand is God's, and his majesty's affairs are certainly ruinous and every one sees it, but we fear to offend: we present not the grievances of the state.'

Sir *Rob. Phelips* spoke the same effect.—Whereupon it was ordered, "That the committee should be appointed to penn an Answer unto his majesty's Messages, and that is their resolution to give him all expedition in his affairs, and that they hold not it fit to give him thanks, but further to know what peril we are in, and that Tunnage is their own gift, and that is to arise from themselves, and that they intend not to enter into any thing that belongs not to them."

Jan. 30. The former part of the day was spent in debating of transporting of Cornish Vessels into Spain, and it was ordered, that a Message should be sent unto his majesty, That it is now evident, that divers of the subjects of Spain, and to desire to have them released. Upon which, "That the Cornish Ships be wonder'd at, and sent them an answer in due time."

After a long debate at the committee for Religion, it was resolved with while house, that the heads of their Religion in the following, viz.

"We the commons, now in parliament assembled, do truly, plainly, and from our heart profess, and desire to live and die according to the sense of the Articles of Religion which were established in parliament in the 13th of our late queen Elizabeth, which by public authority of the general and concurrent expositions of writers of our church, have been delivered to us: and we do reject the corrupt sense of Jesuits and Arminians, which tend to Popery and Superstition."

Commons' Apology for Tunnage and Poundage. Feb. 1. The house passed the following Apology to the king, viz.

"The Commons Apology for their proceedings in their Bill of Tunnage and Poundage, and their Desire to proceed with Religion.

"Most gracious Sovereign, We have within these three days received from your two Messages, putting us in mind of our entering upon the consideration of the bill of Tunnage and Poundage, but the manner of possessing the house therewith being disagreeable to our orders and privileges, so that we

could not proceed therein; and finding ourselves, in your majesty's name, pressed in that business, and that we should give precedence thereunto; we cannot but express some sense of sorrow, fearing lest the most hearty and forward affections, wherewith we desire to serve your maj. are not clearly represented unto you Besides, such is the solicitous care we have of preserving ourselves in your majesty's most gracious and good opinion, that it cannot but breed much trouble in us, whatever we find ourselves (as now we are) inforced to spend that time in making our humble Apologies from whence (usually do arise long debates) which we conceive might be very profitably employed in the greater services of your maj and the commonwealth, which we did with all diligence apply ourselves unto; and finding the extreme dangers wherewith our Religion is threatened, clearly presenting themselves to our thoughts and considerations, we thought and do think, we cannot without impiety to God, disloyalty to your maj and unfaithfulness to those for whom we are put in trust, retard our proceedings, until something be done to secure us in that main point, which we prefer even above our lives, and all earthly things whatsoever.—And here we do with all humble thankfulness acknowledge your majesty's most pious care and princely intentions to suppress both Popery and Arminianism; the professors of the one being open enemies, and the maintainers of the other the subtle and more dangerous underminers, of the true religion of Almighty God, established within your realms and dominions, the truth of which our holy Religion, or any part thereof, is being sufficiently known, and generally received of all the members of our church (except of some schismatical persons, who have of late years taken the boldness to broach their contrary and corrupt opinions) we desire should not be called into doubt or question. But howsoever it hath pleased your maj. (to our exceeding great comfort) by many testimonies, to declare your own constant resolution to maintain the said religion, yet how your gracious purposes are thwarted, and to what a miserable condition your whole kingdom is likely by that means to be reduced, we shall earnestly endeavour (as that which doth most nearly concern the safety and prosperity of your maj and people) in such sort to discover, that the ruin thereby threatened unto both, may by God's blessing be prevented, being most heartily sorry, that those occasions are offered which do thus hinder our proceedings and therefore as well for the dignity and necessity of the matter, as for time we conceive it to be the most speedy and effectual way, by uniting of all our hearts and endeavours, to dispatch all other businesses of importance particularly those which seem more immediately to respect your majesty's profit;) we pray that our Resolutions of preferring this business before all others may be acceptable to your maj. to whom in both the matter and manner of our proceedings we desire to give all possible satisfaction."

The King's Answer.] Feb 3 Mr. Secretary Cooke reported, "That himself, and the rest of the committee, attended his majesty yesterday, and he said, For my part I have used all diligence to do all the commands of my master and of this house, and yet I find some exceptions have been taken at some words by me used, when I delivered the bill of Tunnage and Poundage Indeed I used many arguments in speaking of his maj I said it most concerned him, and that his maj. much desired it; but this was mistaken, as if his maj had commanded it, and I required it in his name, which I did not intend but to avoid disputes; and I said not, this was an ordinary revenue, but that this Tunnage was the means to enable his maj to set a fleet to sea.—After he had made his own apology, he read his majesty's Answer to the Apology of the commons in those words, viz,

"Gentlemen, This Apology being somewhat long, may by reason thereof require some time to reply unto it, since (as most of you cannot but judge) that this giveth me no satisfaction; therefore I shall give you some short notes upon it. I cannot think, that, where as you alledge that the bill of Tunnage and Poundage was brought in against the privileges of your house, that you will offer to take so much privilege from every one of your members, not to allow them the liberty to bring in any bill whatsoever, though it be in your power, when it is brought in, to do with it what you think good, And I cannot imagine your coming together, only by my power, and to treat of things that I propound unto you, can deny me that prerogative to recommend or offer any bill unto you though, in this particular, I must profess, that this bill was not to have been offered unto you in my name, as that member of your house can hear me witness.—As for the cause of delay of my business, being Religion, there is none of you shall have a greater care for the true preservation of it than myself; which since it is confessed by your Answer, you must either think I want power (which cannot be) or that I am very ill conditioned, if it be in so much danger as you affirm Though I may say much at this point, I will say no more, than for all this I shall not stop my ears to you upon this subject, so that in turn and matter you transgress not your limits As for Tunnage and Poundage, I do not so much as desire it of greediness of the thing, being persuaded that you will make no great stop in it, when you once take it in hand, as out of a desire to put an end to those questions that do daily arise between me and some of my subjects; thinking it a strange thing, if you should give ear to those complaints, and not to take the sure and speedy way to decide them. Besides, I must think it strange, that this business of Religion should be only a hindrance of my affairs, whereas I am certainly informed, that all other things go according to their ordinary course. Therefore I

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must all be infant with you, that you proceed with this business of Tunnage and Poundage with diligence, not looking to be denied in so mean a suit, and you must not think it strange that I hasten you also, I give you such further question as I shall find cause."

Debate on the King's Answer.] Hereupon there arose a debate.

Sir *John Eliot.* 'Mr Speaker, I confess, this hath given great satisfaction for present dissolution, and more hopes, and more relief than the expectation of me, and the other gentlemen that did find his interest upon, and in these things he thinks as I see, that then he is not rightly counselled. I am confident we shall render his majesty an account of what he expecteth, but, sir, I apprehended a difference between his majesty's expression and those of his ministers. For, sir, that bill was by them sent to his majesty's name, and now we find his majesty disavows it, that he did it not. What wrong is this done to his majesty and to this house to press things in his sovereign's name, to the prejudice and distraction of us all? I think him not worthy to sit in this house.'

Mr *Speaker.* 'This honourable person did explain himself, that he did not press it in his majesty's name, but only did commend it to your consultations.'

Secretary *Cooke.* 'I said, that in regard of the difference between his majesty and his subjects, he desire was to accommodate it.'

Sir *H. May.* 'I'll be too quick to except against the ministers of his majesty that serve his majesty and this house, it will discourage and stop our mouths, whose service ye daily command.'

Mr. *Kirton.* 'The too great bishops named [Montague and Laud,] are the main and great root of all those evil, which have come upon us and our religion, let us inquire what they have pretended in the clergy, and ...'

Mr *Corbett.* 'The declaration now read came from his majesty, but it is by the advice of the clergy, and unless they inform us of the right we have no cause to take part of it, for we are sworn to maintain and oppose the truth and not the errors that are preferred in the church, to the grief of all good men.'

Sir *Walter Erle.* 'Montague is a great disturber of the church he knows a number of divines, I desire to know how it came to be a bishop. Two men are named in the Remonstrance that are privy councellors and it is very probable, that those treasonable officers did give that advice to the king.'

Sir *H. May.* 'I will tell you what I am privy unto in this point: true it is those two are named in the said Remonstrance, and the point was before the king and his council when he was pressed to dislike it and ... then these two bishops being present, with ... their eyes, protested they hated the opinions and questions, and upon their confession, on their knees, they renounced them.'

Sir *James Perrott.* 'It said that these two bishops were before the ... and, with tears did ... that ... entertainment for ... that did dispute ... Arminian point ... said, What the Arminians hold and write, he would maintain and believe.' And this sir ... offered to justify upon oath.

It was ordered, that the Complaint against Mountague ... and that ... Pardons granted to the clergy.

A Sub-Committee about Arminians appointed.] Feb. 1. A petition was read at the first sitting, preferred against Dr Cosins. Mr Herle ... petition to ... for Dr Cosins, that the ... Dr Cosins, the 3rd to Dr Sibthorpe, and the 4th to Dr Manwaring.

Sir *R. Phelips.* 'If ever there came here a business of the ... I have not my memory of ever ... England was abused in his mercy, it is surprising. What persons are pardoned? even the greatest enemies ... and state, that were standing under ... are pardoned before ... every man be not warned to ... thus to the ... tion, I would they were, if we ... this, we regard nothing. You see all orders ... complained of, and ... at ... that ... the great ... of the king is the ... Let a select committee ... it, and let the ... crime ... what is done herein, and ... whom, and I hope we shall find ... and ... sir.'

It was resolved ... that ... the ... and ... should ... Lords and to Mr. Attorney about his ... herein, and ... singularly ... the Pardon were ... which was done ... Sir R. ... That ... to Mr Attorney, and found him ... Mr Attorney ... Mountague ... Attorney ... Dr Cosins, ... Dr Sibthorpe, ... Manwaring, ... Bishop of ... his majesty's ... and required him ... Mr Attorney ... Attorneys ... great ... passed ... Dr Cosins ... Bishop of ... to this ... Attorneys ... sent ... to ... Pardon, which he did, and after it was drawn, the

bishop of Winchester sent to see it, and interlined it. and whereas Mr. Attorney had drawn the Pardon but for one, Montague put four in it, viz. himself, Cosins, Sibthorpe, and Manwaring.

Feb 5. Mr. Secretary Cooke reported: That it was his majesty's pleasure, that the Fast be kept by our house of parliament on the 10th of this instant February, and for the whole kingdom the 20th of March next

Information against Witherington, for speaking the Protestant Religion.] Feb 6 The house being informed by petition against one Witherington, who had formerly been examined before the lord- of the council for depraving of our religion, and had since called the protestants, heretics, wishing a hundred of their throats cut and to one that had been a papist, and was lately turned to our religion, he said, he would be hanged, and otherwise disgraced him Whereupon it was ordered he should be sent for.

Sir R. Philips reports Mr. Attorney's Answer concerning Cosins.] The house was likewise informed, that Dr Cosins, (a little before he had obtained his pardon) was accused to Mr. Attorney by two witnesses for speaking words against the king: whereupon it was ordered, that Mr. Attorney should be sent to about it; which was done accordingly.

Sir *R. Philips* returned Mr. Attorney's Answer, as followeth: 'My part is to give you an account about the affidavits against Cosins Mr Attorney saith, that one Mr Heath of Grays-Inn came to him about Michaelmas term last, and affirmed, that Cosins in a public meeting said, 'That the king had nothing to do to be head of the church, and that he had no more power for to excommunicate any, than his servants that rubbed his horses heels' The Attorney acquainted his maj. herewith, which his maj was very unwilling to believe, that he or any man durst say so much; but conceived that the said complaint did arise from malice yet he charged the Attorney to make a careful inquisition thereof, and if it were strongly probable, then he should report to his majesty After this Mr Attorney did diligently enquire about the same, and told Mr Heath, that the matter was found very improbable, and there was certainly some mistaken in it. Whereupon there were two affidavits made, which did swear it point blank Nevertheless Mr Attorney sent his letters to Mr Deane and others that were present when the words were spoken, to require them to certify, whether such words were spoken or no. Upon their certificate he found variance about these words, and thereby the business was lessened. And being demanded, if he had any direction to desist from the suit intended in the Starchamber against Cosins, he answered, no. but said, that he casually meeting with the bishop of Winchester, told him of the said business To which the bishop answered, it will be nothing, for King, one of them that made the affidavit, is a bungrige-fellow.'

Sir *John Elliot.* 'It is our honour and not to pass over these things too slightly, find the king's honour and right too is in question, that right which we are sworn to maintain if I mistake not it is high-treason, and this given upon oath, presented by the attorney his maj who gave him command to it, and that is worthy the king of In other felonies the law doth not allow an oath contrary to the proceedings of the king, but against two affidavits a letter must dash all. The attorney acquaints the bishop of Winchester with it, who takes it to be a matter of malice I desire the persons may made the affidavits may be sent for, and mined, and that Mr Attorney may answer matter why he passed it over so slightly, dering the person of the man in question, was not only suspected, but charged as notorious, and one that is so obnoxious.'

Whereupon it was ordered, that the witnesses should be sent for. But for Mr. Attorney was made questionable, whether they should send for him or no, because he did attend by writ in the upper house. Whereupon it was ordered, that intimation should be given to Mr. Attorney to be there on Monday next to give satisfaction to the house for his proceeding against Cosins, having so good a ground for it.

Feb 7 Sir D Norton informed the house, that one Dr Moore attending the bishop of Winchester upon an occasion, the bishop told him, that he had oftentimes preached before king James against popery, which was well liked of then, but now you must not do so. Whereupon the doctor answered, if occasion served, he would not spare to do the like To which the bishop replied, that the times were not the same, and therefore you must not do so now.

Sir *R. Philips* said, 'By this you may guess that this bishop had a hand in setting up those ceremonies in Durham, and that he still bears good will towards them, labouring to make Durham and Winchester synonymous This reflects upon his maj. as if his maj. should dislike that ministers, in their preaching, should refel and repel popery.'

Sir *J. Elliot* replied, 'In this Land is contracted all the danger we fear, for he procured those pardons may be the author of those new opinions and I doubt not but that his maj, being informed hereof, will leave him to the justice of this house, and I hope those exhalations will not raise any jealousy between his maj. and us Let the doctor be sent for accordingly it, which was done accordingly.

Report from the Committee relating to the Sheriff of London.] Feb. 9. Sir J. Elliot reported from the committee for examination of the Merchants Business, how they had found sheriff Acton in variation and contradiction in his examination; which being conceived a contempt to the house he desired he should be sent for, to answer the same at the bar—Mr Goodwin said, The sheriff acknowledgeth his

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error, and humbly desired that he might once again be recalled before the committee; and if did not then give them full contentment by answer, he would refer himself to the wisdom and justice of the House.'—This motion being accorded, but in regard his abuse seemed to be so gross, and that he had so much liberty given him to reflect his mother, and being so great an error in great a cause, he had all the favour that could be, and yet rejected the same, and carried himself in a very sordid manner. Wherefore was ordered that he should be sent for as a prisoner, to answer at the bar the next morning.

Dr. Manwaring's Confirmation urged.] Jones the printer and his counsel were called in, to hear the business of Montague's Episcopal function. The questions were two: 1. The allegations of Dr. Wh[illegible] Confirmation be good? The last of these two points touching which he chose enjoin the counsel to speak. The counsel proposed question. What would be the trial and effect thereof, if in law the Confirmation should be void? In which the counsel said it would be a matter of great extent to make void all the Confirmations of Bishops, but upon the particular Confirmation only which makes him punishable, if he execute any thing concerning the same.

Sir H. Mar[illegible] said, 'That the execution of Dr. Manwaring's Confirmation, all in writing, is also in the Crown, and likewise make it void.'

Dr. Heyward said, 'The point of setting to sale [illegible] is not matter of fact in this question.'

Sir H. Mar[illegible] said, 'That he would endeavour to give the House full satisfaction, and speak with discretion to the King's right and laws of the realm. The proclamation [illegible] should not be at Bow-Church, but the Cathedral Church of the diocese where the trial to be; and the [illegible] determination of doubts are to be expected, not every one from [illegible]. The arguments that might be heretofore urged, and to alter the case in hand, [illegible] coming in place, the seeking and the [illegible] of preferment in bishoprics, [illegible] in the same. Lecture it were good to decline this dispute in the present, and to seek to remove that.' Which was allowed of.

Complaint touching Imprisoning.] Feb. 10. Mr. Rich complained that the [illegible] complaint of the breach of the liberties of this House, in the house was locked up by the Sheriff's officer, and a guard with a [illegible] upon the Star-chamber. And [illegible] Mr. Attorney, that it was a mistake: the subpœna was read, but the answer was not sufficient to be read.

Sir R. P[illegible] said, 'That we were the subject of scorn and contempt. Excessive this to be when those men shall [illegible] to draw a veil over [illegible] to interrupt us in the discharge of it. [illegible] messenger may be attached, and [illegible] by whose warrant the subpœna was taken further, at those that threw these scorns upon us may go unquestioned, it is in vain to sit here.'

Sir H. M[illegible] 'This [illegible] from some great error, for I [illegible] never [illegible] from [illegible] desire it may be referred to the bottom, or be it considered that neither king nor council have [illegible] involved.'

Mr. Selden 'The matter to be reckoned as an error, for question this [illegible] to affect us, and our own [illegible] the cause of this.'

An order, that Shrimpton, the messenger, [illegible] be [illegible] at bar, to the [illegible] six appointed [illegible] in the Star-chamber, and to examine the same [illegible] whom the [illegible] is put in, and they shall have power to send for persons, records, [illegible] Mr. Vane. Order was also [illegible] [illegible] [illegible]

that we are become [illegible] a mere scarecrow the neglect of our duty [illegible] cause of this it is high time to remind them [illegible] it is in vain to sit here.' The sheriff was then called to the bar, and was, on his knees, ordered to the Tower.

Mr Selden's Report relating to Tonnage.] Feb 11 Mr. Selden reported concerning the process of the merchants, that Mr Attorney gave order for the process, and that Mr Attorney's man took forth the same for the bill: it is for these things, which depend in parliament, complained of here by the merchants. The copy of the bill brought in and read, That the merchants did plot, practise, and combine against the prince of the kingdom.—This being a business incident to Tonnage and Poundage, is ordered to be deferred until the morrow morning. Also, that report be made then of the examination of the complaints of the merchants: and that the information in the Exchequer-chamber may also be brought, which was likewise ordered, that in respect the term ends to-morrow, and the assizes to follow, and divers members, that are lawyers, of this house may be gone, it is ordered that none shall go forth of town, within the leuse of the house.—Ordered also, that the Speaker's letter shall be sent for sir Edw. Coke.

Proceedings of the Committee for Religion.] Mr Walter, as the committee for Religion, delivered a petition of the booksellers and printers written against Popery and Arminianism, and the contrary allowed of by the means of the bishop of London, and that divers of them had been prosecuted for printing orthodox books; and that licensing of books, is now only restrained to the bishop of London and his chaplains.—One of the printers said, he tendered divers books, one called, 'The Golden Spur to the Celestial Race,' and that Turner, one of the bishop of London's chaplains, said, That if ye would put out the point, that a man may be certain of his salvation, he would license the same; and notwithstanding he put out that point, yet he could not get the same licensed; whereupon

Mr. *Selden* took notice, 'That the refusing of licensing books is no crime, but the licensing of bad books is a crime, or the refusing to license books, because they are written against Popery or Arminianism is a crime. There is no law to prevent the printing of any book in England, only a decree in the Starchamber: therefore that a man shall be fined and imprisoned, and his goods taken from him, is a great invasion on the liberty of the subject.'—Thereupon he moved a law may be made in this: this is referred to a select committee to be examined.

Sir *B Rudyard.* 'There be divers recantations, submissions, and sentences remaining on record, in both universities, against Arminianism, which may conduce to our end. That the Speaker's letter may be sent to the chancellor for those records,' which was ordered.

Debate concerning Pardons granted.] Mr. Sherland reported concerning the Pardons, that they have examined Dr Sibthorp's and Cosins's Pardons, Sibthorpe solicited his own pardon, and said he would give it to the bishop of Winchester to get the king's hand to it. It is evident that the bishop of Winchester got the king's hand to Sibthorp's and Cosins's pardon, and also Montague's pardon was promised by him that Dr Manwaring solicited his own pardon, and the bishop of Winchester got the king's hand to his pardon. It is likewise said that the pardons were all drawn by Mr. Attorney, before there was any warrant.

Mr *Oliver Cromwell** said, 'That he heard by relation from one Dr Beard, that Dr. Alablaster had preached flat Popery at St. Paul's Cross, and that the bishop of Winchester (Dr. Neile) commanded him, as he was his diocesan, he should preach nothing to the contrary. He said, that Manwaring, so justly censured for his sermons in this house, was, by this bishop's means, preferred to a rich living. If these are steps to church preferments, what may we not expect?'

* This is the first time this extraordinary person makes his appearance upon our stage of action. The following extract from sir Philip Warwick's Memoirs, p. 247, is very curious.—'The first time that ever I took notice of Cromwell, was in the very beginning of the parliament held in November, 1640, when I vainly thought myself a courtly young gentleman, (for we courtiers valued ourselves much upon our good cloaths) I came one morning into the house well clad, and perceived a gentleman speaking (whom I knew not) very ordinarily apparelled, for it was a plain cloth suit, which seemed to have been made by an ill country tailor; his linen was plain, and not very clean; and I remember a speck or two of blood upon his little band, which was not much larger than his collar; his hat was without a hat-band, his stature was of a good size, his sword stuck close to his side, his countenance swoln and reddish, his voice sharp and untunable, and his eloquence full of fervor. Yet I lived to see this very gentleman, by multiplied, and good successes, and by real (but usurpt) power, (having had a better taylor, and more converse among good company) in my own eye appear of a great and majestic deportment, and comely presence."—And in Bulstrode's Memoirs, p. 198.—"This conference puts me in mind of what Mr Hampden said to the lord Digby, in the beginning of the war. As they were going down the parliament stairs, Cromwell going just before them, the lord Digby (who was then a great man in the house of commons) asked Hampden, who that man was? for I see (saith the lord Digby) he is of our side, by his speaking so warmly this day. Upon which Mr. Hampden replied, That sincerely fellow which you see before us, if we should ever come to have a breach with the king (which God forbid) I say that sleven, as

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Sir *R. Pallis*[illegible] relate is much [illegible] Winchester, as the [illegible] b[illegible]ever.'

Mr *Kirton*. 'That Dr Marshal and Th[illegible] Beard may be sent for.' And further—'This bishop, though he hath lenped thr[illegible] many bishoprieks, yet he hath left papers [illegible] hind him. That Cosins frequenting the printing-house, hath caused the books of Common Prayer to be newly printed, and hath changed the word 'Minister' into the word 'Priest,' and hath put out in another place the word 'Elect.' Thus Cosins and his lord go hand in hand!'

Sir *Miles Fleetwood*. 'We are to give Montague his charge, and, by his book, charge him with, 1 Schism in error of doctrine? [illegible]action in point of state. 3 Matter of aggravation.

Sir *Walter Earle* said, 'Qui color albus erat nunc est contrarius albo.' Dr. White hath sold his orthodox books, and bought Jesuits books, therefore let White go arm in arm with Montague.'

Sir *John Elliot* made report from the committee, in the examination of the complaint of the merchants; and delivered in the orders and injunctions in the exchequer; and said, That the merchants are not only kept from their goods by the customers, but by pretended justice in a court of justice, the exchequer. I conceive, if the judges of that court had their understanding enlightened of their error by

[illegible] the [illegible] [illegible] [illegible]

taken [illegible] trai[illegible] ed, t[illegible] in[illegible] ther[illegible] pro[illegible]

Mr [illegible] e may speak here, as we [illegible] and do our duties, and let [illegible]

Mr H[illegible] to his 500 merchants [illegible]

Sir J[illegible] That we may go to the ki[illegible] t interruptions'

Mr. N[illegible] dly give, unless we be [illegible] proceeding in the exch[illegible] on informations in the S[illegible] nature, [illegible] nuisances to th[illegible] I will not give my voice neither will I [illegible] place for interruptions to be [illegible] I hold that the king hath no [illegible] It will not be rejected, [illegible] we [illegible] cannot help it [illegible] already, as by the new [illegible] we need not give it'

'Mr S[illegible] seconds the motion of coming a message to the exchequer, declaring the precedent of the [illegible] into the exchequer for stay of [illegible] nuisance, and if it is objected [illegible] such [illegible] takes return, it cannot [illegible] us the [illegible] by the record, [illegible] record is certain, it will, to posterity [illegible]

Mr. Littleton: 'For the point of right, there is no lawyer so ignorant to conceive it, nor judge of the land to affirm it; to against giving to the king, or going on with the bill. In the case [illegible] cannot be put to a petition of right, but shall recover without petition'

Ordered, [illegible] Mr. [illegible] shall be sent to the court of exchequer, [illegible] wherein certain goods of the merchants have been stayed by injunction from that court, by reason of nuisance, and that, upon examination, the cause certified that under the affidavit have confessed, that the goods were only stayed for that contained in the bill of [illegible], that therefore they would make void the order and affidavit in this business'

Feb 18. Dr Moore recalled, and [illegible] That he was referred to the [illegible] of Winchester to be examined [illegible] Sermon preached [illegible] The bishop said, [illegible] he had in other many pretty [illegible] sermons the priests, which pleased king James well, but he must not do so now that he had a brother that preached against bowing at the name of Jesus, and leaving at the high altar which he liked not, and that the communion table stood [illegible] an ale-house, but he would have them to stand as high altars. Dr Moore is to deliver these things in writing, to-morrow.

Proceedings of the Committee for Religion.] At the Committee for Religion, Mr Pym in the [illegible]

Sir Edward Coke said, 'If we speak [illegible] now [illegible] old [illegible], when, [illegible] there [illegible] two other masses [illegible] queen's court so that it grown [illegible] the out-facing Jesuits, and common [illegible], 'Will you go to mass, or have [illegible] mass at Somerset-house?' there [illegible] 500 at a time from mass. Desires it may be known by what warrant the Jesuits [illegible] in Newgate were released'

Mr Carlton said, 'He doubts not but his majesty's intention was good, in the Declaration lately published; but he conceiveth it will be made use of only to our disadvantage. He desireth therefore the declaration may be taken into serious consideration.'

Sir *Rd. Grosvenor* reports the proceedings of this house against Popery the last session, and what fruits have followed thereof since, as follows:—'In this great business concerning Religion, and the stay of execution of the laws against Recusants, it will much conduce to purpose, and forward our resolutions, to cast back our eyes to what was done the last session. You must remember that, amongst other businesses of weight, we then took to heart the decays of Religion, we sought after the preservation thereof, and how to maintain it in its own purity. We find that, of late years, it had been much wounded by heartening of papists, by conferring offices upon recusants. We summoned our judgments, and employed our best cares and pains for stopping the current of popery, which by such means, like a deluge, came flowing in upon us. And well did it befit the piety of this house to be so zealous for the prosperity of that, which ought to be so precious to every good man's soul, and so dear in their eyes. This we attempted by these and the like steps. 1. By that religious Petition, which it pleased the lords so readily to join with us. 2. By framing a bill against Recusants, which passed both houses, whereby his majesty had been much enriched, better enabled to compass his dues from them, and to find out their deceits in defrauding him therein. 3. By informing him of the numbers and practices, and by petitioning him to remove all papists and popishly-affected people from the court, from places of trust, and from places of power. 4. By examining the dangers and inconveniences of those late Commissions and licences granted forth, for the compounding with Recusants for their estates and forfeitures. 5. By framing a Charge to exhibit up Mr Montague to the lords; not to his seat among the reverend society of bishops, but to the bar, as an offender against that house, this house, and the whole church of God. But what good hath our zeal brought to religion, what profit to the church? We all know, and with thankfulness acknowledge, that his majesty gave a most pious and gracious Answer to our Petition, and to some particulars, as fully as we could desire, which raised our hopes to the expectation of much good, and some hath followed [illegible] [illegible] promised Proclamation to command judges, and other ma-

steps to church preferments, God be merciful to those churches, which shall fall under the government and feeding of such a clergy.—Thus, Mr. Pym, you see the issue of our good endeavours vanish into smoak: what should be the reasons, I know not, but I may well guess it comes by the like practices that were used in king James's time; for then we had the like gracious Answers to Petitions of Religion, the like Proclamations, the like declarations, the like command to put laws in execution against Recusants, and yet little done; being prevented by the secret directions and commands of some eminent ministers of state, which I am able to justify by a letter under their hands, which I have now about me; and I wish that all such as have notice of any such private letters as have been sent for the stay of execution of those laws, would give this house notice thereof."

Sir *Rob. Philips*. 'If ever there were a necessity of dealing plainly and freely, now is the time. there is an admission of papists and Jesuits, as if it were in Spain and France. This increase of papists is by connivance of persons that be in authority, 940 persons in houses of religion being papists, of English, Scots, and Irish in the Netherlands, maintained by the papists of England. and of this I shall deliver the particulars, that we may frame a Remonstrance to the king, that unless there be some better performance of his maj.'s so many Answers to our Petitions, our religion will be past recovery.'

Mr. *Curlton*. 'That these papists, by laws or acts of state, may be removed from their offices, which we have just cause to suspect.'

Mr *Selden* moveth, 'That these things may be debated in order; and first, for releasing the Jesuits that were arraigned at Newgate, whereof one was condemned they were ten in number, which were priests, who had a college here in London about Clerkenwell; and these men could not attempt these acts of boldness, but that they have great countenance.'

Mr Secretary *Cooke* replied, 'That a minister of state had notice of those ten, and this college intended to be kept at Clerkenwell, that it is plain there was a place appointed for this college, and orders and rebuks prepared. The minister made the king acquainted with it, and I should not do my duty, if I did not declare how much his maj. was offended with it. His maj. referred it to the special care of the lords of the council, who examining the same, sent those ten persons to Newgate, and gave order to Mr Attorney to prosecute the law against them. That this college was first at Eltonton, removed thence to Camberwell, and from thence to Clerkenwell'—Ordered, 'That all the knights and burgesses of this house should to-morrow morning, before their knowledge, what letters or hindrances have been to stay the proceedings against Recusants.

Complaint against lord Lambert.] In February A complaint was made against the lord Lambert, a baron of Ireland, and a member of this house, who being a colonel of soldiers in Middlesex, hath imposed 4*d.* upon every soldier towards his officers charges; and the petitioner refusing to pay, was first set in the stocks, and after by the lord Lambert, committed to a public prison.—Ordered, that the lord Lambert shall be sent for, to answer this.

Debate on a Commoner's appearing to answer before the Lords.] Sir John Eppesley asketh leave to answer a complaint against him in the higher house.

Mr. *Selden* hereupon, 'That the use was and ought precedents, That no commoner should be called to the higher house, but it will trench upon, and disadvantage the privileges of this house, and until the 18th of k. James, there was never a precedent to the contrary that this therefore may be considered of by a select committee.'—Ordered, that sir John Eppesley should not have leave to answer to the lords house.

Mr. Secretary *Cooke* said, 'I am as careful to maintain a good correspondency with the lords as any man; but connivancy in this kind may overthrow the fundamental rights and liberties of this house: let it, therefore, be seriously considered of, for this not only concerneth the right of this house, but the liberty of the whole commonwealth'—Ordered, that a special select committee shall be appointed to consider of this.

The Answer of the Barons, &c. of the Exchequer, concerning Tunnage and Poundage.] Mr. Chancellor of the duchy delivereth an Answer, in writing, from the lord treasurer, chancellor, and barons of the exchequer, to the Message sent them by the house of commons, viz.

"Whereas the honourable house of commons, by order of the 12th of this instant February, have appointed that notice should be given to the lord treasurer, chancellor, and barons of the exchequer, of a Declaration made by sir John Wolstenholme, Abraham Dawes and Rd Carmarthen, in the said house, of the Goods that the Merchants brought into the king's storehouse, and laid up there for his majesty's use, were detained, as they conceive, only for the duty of Tunnage and Poundage, and other sums comprised in the book of rates, which notice was given, to the end the said court of exchequer might further proceed therein, as to justice should appertain.—Now, the lord treasurer, chancellor, and barons, out of their due respect to that honourable house, and for their satisfaction, do signify, that by the orders and injunctions of the said court of exchequer, they did not determine, nor any ways trench upon the right of Tunnage and Poundage; and as they declared openly, in the court at the making of those orders: neither did they, by the said orders and injunctions, bar the owners of these goods to sue for the same in lawful manner. But whereas the

said owners endeavoured to take those goods out of the king's actual possession, by writs or plaints of replevin, which was no lawful action or course in the king's cause, nor agreeable to his prerogative. Therefore, the said court of exchequer, being the court for ordering of the king's revenue, did by these orders and injunctions stay those suits and did fully declare, by the said orders, That the owners, if they conceived themselves wronged, might take such remedy as the law alloweth. Signed, RICH. WESTON Treasurer, LO. NEWBURGH Chancellor, JO. WALTER Chief Baron, JOHN DENHAM, THO. TREVOR, GEO. VERNON, Barons.

This being read, Mr Kirton said, 'We asked for satisfaction, but now we see a justification of their actions. I therefore desire we may proceed to consider of their proceedings, and whether ever the court of exchequer held that course before for staying of replevins, and whether this hath been done by the regal prerogative of the king, or the court of exchequer.'—Ordered, That a select committee of the lawyers, exchequer-men, shall take this into their consideration.—Mr Selden said, 'We have delayed the proceedings with the Customers, expecting some good success from the exchequer, but finding it otherwise, I desire the Customers may be called to the bar on Monday next,' which was ordered

Sir T. Hobby's Report relating to Popish Priests.] Sir *Tho Hobby* reported, 'That he and the rest that were appointed for the service concerning the Priests, had examined the keeper of Newgate, who confessed, the 1st of Dec. he received ten prisoners, suspected to be priests, and said, That at the sessions the 3rd of Dec. 3 of them were indicted for priests, and one of them condemned, that was afterwards reprieved and the night before the execution Mr Recorder sent a warrant to stay execution, which was seconded by a warrant from the chief justice Ryde all the rest did refuse the oath of allegiance, and it was ordered, that they should be kept till the next sessions. The earl of Dorset sent word to the keeper, That his majesty's pleasure was, they should be delivered,' and a warrant came from Mr Attorney, to bring the priests before him, who took sureties of them to appear 20 days after notice at the council-board, and so they were discharged.—Hereupon

Sir *N Rich* said, 'I am confident the grace of the king hath been abused in this, that therefore the privy councellors of the house must know, whether it was by his majesty's directions, or not.' And it was moved, That Secretary Cooke may, first, declare his knowledge in this.

Mr. Secretary *Cooke*, thereupon, made a declaration to the house concerning those priests, and the discovery of them; and produced the papers that were found in the house amongst them upon search; and he said, that it did appear that they were jesuits and priests, by the inventory of their goods they had their chapel and library furnished in a common kitchin, buttery, and cellar, their household-stuff is all marked with J † S there is a monthly book of their daily expences and a contracted annual account in Latin, under the rector's hand It appeareth that they had purchased 200*l.* lands per ann. and 60*l.* in money did remain over and above their expences. There were also divers letters, directions and orders from a popish father from Rome, unto all parts beyond the seas They had appointed a time of meeting which was St. Joseph's day, and then they should have said mass. All their papers were delivered to Mr Attorney who recommended them to Mr. Long.'

Sir *John Elliot* said, 'In all this I see his majesty's goodness is clear, and we shall still retain the comfort of it You see here is a ground laid for a new religion, and a foundation for the undermining of the state; and, when they should be brought to trial, then I see the over-sanction of ministers of state to interpose themselves to preserve these men, to all our ruins these men were in subjection to a foreign power, and disclaim our sovereign. What could he their purpose that laboured to find out a way to free them, but to seek our ruin? For I ken the drawing of their indictment was maliciously done for that purpose. The person that I look at first is the Attorney, whom we still find guilty in this matter of religion; when he saw the importance of the cause, and had directions from the king and council; and yet, in a case that so much concerns the king, the people, religion and all, he must take his own hand away, and put it to another; this negligence renders him inexcusable The next is that great lord, the earl of Dorset, I find him to interpose himself herein. Let us fix it upon his person, and know by what warrant he did that which was done I observe another person faulty also; I heard the priest was condemned, and Mr. Recorder made a reprieval he must send word to make more to this kingdom, than in the preservation of these men.'

Sir *F Seymour*, with vehemency, 'taxed both Mr. Attorney's affection and judgment herein; and declared that command letters were sent, from Mr Attorney, in stay of proceedings against recusants 'You see how slightly Mr Attorney hath put over a business of this weight to Mr Long'

Mr. Cross, the pursuivant, being examined, said, 'That there were 11 men in the New Prison; and the keeper of the prison saith, they were delivered by warrant from the council-board' It was ordered, That Mr. Recorder shall be rather sent unto to be examined, than to be sent for as a delinquent, in case he hath, formerly, had the honour to sit in the chair here

Mr Secretary *Cooke* said, 'That here shall find, that the king hath [illegible] of blood, save direction for the [illegible] the condemned priest'

Sir *J E* [illegible] doubt but when declaration [illegible]

render them to judgment that gave him such advice.'

Sir N. Rich 'These jesuits are bound by sanctics to answer further at the council-board I wish their hands were produced, that by examination of them, we might find out the whole pack of their benefactors and maintainers.

Mr. Long being called, said, 'That he offering, at the sessions, the evidence against them, by order from Mr Attorney; the lord chief justice Richardson interrupted him, and told him, 'He must speak to the point in issue, whether priests in no priests, and thereupon the judges consulted amongst themselves, and so arose.

Mr Selden declared, 'That he was present at the sessions, and plain treason was proved, and nothing done in it'—Hereupon examination of this was referred to a select committee.

Feb. 10. At the committee for Religion, Mr *Strand* moved, 'That the lord chief justice may be called to give an account of his stay of justice, in the execution of the condemned Priests, which he ought not have done, 'though his majesty should by pleasure to the contrary.'

The Chancellor of the Duchy said, 'That this was a thing not to enter into, or to do, in quo warranto Hyde's suit? Jones' suit, as also in the star-chamber, that all condemned Priests should be sent to the castle of Wisbich, and from hence (though the king had given no order for the reprieve) he might have taken warrant by his proceedings.'

Mr. *Selden* made a report from the committee, of the further examination of Mr Long, concerning the proceedings at Newgate against the Jesuits; whereby it plainly appeared, 'That the evidence, tendered in the court at Newgate, did clearly testify those men to be Priests:' yet the lord chief justice Richardson, did reject the same, against the sense of the rest of the judges and justices present, whereby it is plain he dealt unfriendly with some in the Priests.—Ordered that two members shall be sent to each judge, that were present at the sessions at Newgate, who were shall to the lord chief justice of the King's-bench, and the lord chief justice of the Common Pleas, Justices Whitlock, Jones, and Crooke.

Sir *Henry Mervin* made report, 'That he with others went to the recorder of London to know to what warrant he made stay of execution of the Priest: He denied that he gave any order or direction for the stay. Whereupon Sir James, the clerk of Newgate being there present, came in, and said, He was sorry that he had moved Mr Recorder, for Mr Recorder gave no direction, but the warrant came from the lord chief justice Hyde.'—Whereupon Sir H. Martin, with the rest of the committee, went to the said lord chief justice Hyde, who told them, 'That he gave the said warrant by reason of a certain statute, [illegible] [illegible]

Sir *F. Seymour* made report to the house, 'That he and others came to Mr Attorney's chamber; but not finding him there, they went to Mr Long, who showed them a letter from Mr. Attorney directed to him the same Mr. Long, which was all the instructions he had to prosecute the Priests, and none else; but, for the other men, he was to take them into a private room, and offer them the oath of allegiance; which if they refused, then to proceed to praemunire. After this we went to Mr. Attorney, and desired him to give us any answer to every particular question. Whereupon he set down the answer with his own hands, but refused oftentimes both to deliver unto us, yet at last he did deliver it, which was as followeth: 'I received order from the council, to proceed against the priests; and did, accordingly, proceed against them, and gave directions to have them brought hither, and took their examinations and the informations; and I sent for Mr Long, and desired him to take special order therein. Known it is, I never heard, of any land conveyed to the college, but only in general; and I did direct to intitle the king to the goods. Indictment in indictment was preferred against them for treason, and the rest of praemunire, and I receiving command from his majesty for their behaviour, supposed them bailable. Hereupon it was ordered, That such Priests as are not convicted and condemned, should be proceeded against.

Report of the Judges Answers concerning stay of Execution of Popish Priests.] Feb. 11. Mr *Selden* reported, 'That he, and some others, examined Mr Long, who said, That Mr Cross the purs irant coming from Mr. Attorney with direction, desired a warrant in writing, and so Mr Attorney sent him a letter before mentioned, and so he indicted them as Priests. And the same day they were to be tried, he told the lord chief justice Hyde, that he had the papers that did conduce to prove them priests or jesuits, and he said he was to read them: and thereupon the lord Richardson said, 'We are upon a point, whether priest or no priests, and it is not lawful to do this at all.' Another judge said, 'We cannot do it at all.' And the lord Richardson said, 'If he had any other evidence,' he said, he had no other but those papers, which he thought would give satisfaction.' The lord Richardson said, 'All that is but hearsay,' he said, 'What say you to the papers or no priests?' To which Mr. Long answered, 'I saw and these men made part but he said, In the house where they were taken, were found copes and vestments for priests; and that he said to the lord Richardson, 'I am ready to open all this if you please, to answer any questions, which you shall ask concerning such things as I have read of the papers.' The papers contained diverse matters, and yet none were suffered to be read but one; and that not being conceived sufficient [illegible] [illegible]

Sir *R. Philips* 'Never was the like example or precedent [illegible] for your satisfaction, that the [illegible] was [illegible] party [illegible]'

Sir *J. Hall* moved that the [illegible] Hyde, 'that he might [illegible] any papers mentioned [illegible] or their [illegible] the [illegible] suppress, or [illegible] year, that was seen, Mr Long [illegible] prove this so, but [illegible] his hand.'

Sir *Wundesford* reported [illegible] Richardson, who said 'He [illegible] of the place mentioned, but did not [illegible] the reading of the papers, neither [illegible] he what was in the papers, nor did he know any thing to prove the persons Priests.'

Sir *T. Barrington* delivered the answer of Mr Jones, who said, 'That some papers were offered by Mr Long, but he knew not the contents thereof, nor the reason why they were refused, but he came late for what he has saith, and the second day was not there at all.'

Sir *Miles Thornhood* delivered the answer of Mr Whitlock, who said, 'He came late, and therefore understood not the business, and the second day was not there at all.'

Sir *W. Constable* delivered the like answer from Justice Cooke.

Sir *T. Barrington* saith, 'That though Mr Prince Jones did not write the letter to Lord Richardson, yet in discourse he owned that he the man that did say, the point of priest, or whether priests or no priests.'

Sir *N. Keck* 'Here is a piece of [illegible] come the words [illegible] Mr Long [illegible] [illegible] since understood his charge, [illegible] for [illegible] there were witnesses enough on the [illegible] produced Mr Long to be [illegible] [illegible] also That the [illegible] about [illegible] [illegible] to the [illegible] [illegible] [illegible]

receive, levy, and collect: and we command our barons and officers, from time to time, to give all assistance to the farmers of the same, as fully as when they were collected by authority of parliament."

Sir *H. May.* 'The king and council took notice, that this gentleman was a parliament-man; and it is the first time that, for the king's revenue and for duties, parliament-privileges ever held.'

Sir *P. Heymen*, 'Our mouths are stopped, if this be the king's revenue.'

Mr *Selden* saith, 'That he conceiveth the case of the 3 customers, to differ in the degrees of their offences. 1 For sir J. Wolstenholme, whatever he saith here, he hath often confessed the goods were taken for Tonnage and Poundage, so that, as he broke the privilege in taking the goods, so likewise in his swearing one thing, and the contrary plainly appearing upon proof and his own confession, he plainly deserves punishment. 2 Mr Dawes's case differeth only, in that sir J. Wolstenholme is a patentee, and Mr. Dawes only a sharer. 3. Mr. Carmarthen's case differeth in saying, 'If all the parliament were in him, he would not deliver the goods.' —Hereupon it was ordered, That Wolstenholme's case shall be first decided; and the point is, Whether by the lease, sir J. Wolstenholme having seized the goods, hath interest or not.'

Mr. *Glanvile.* 'Here is a sum of money advanced, a lease granted for certain years, and certain rent reserved; and though there be a covenant to those men, that if there be loss, it shall be abated, yet that cannot take away their interest' The substance of the affidavit made by the customers in the exchequer, is, That the goods of the merchants seized by them, and remaining in the king's storehouse, were seized only for duties to the king, mentioned in a commission under the king's signet; and that themselves, the customers, had no interest, nor pretence of interest therein.'

Feb 21. Mr. *Littleton*, at the committee on the Complaint of the Merchants, argued, 'Whether a member of the house hath his goods privileged upon a prorogation, being seized for the king?' All privileges are allowed for the benefit of the common-wealth; the parliament's privilege is above any other, and the parliament only can decide privilege of parliament, not any other judge or court. That a man may not distrain for rent in parliament time, but for all arrearages after the parliament he may distrain: he is not to be impleaded in any action personal, or his goods seized in the exchequer. Both by record and act of parliament, he is in the king's royal protection, that it might be high-treason to kill a parliament man; and the king answered it accordingly, which made it a law For the judges to determine privilege of parliament, were to supersede and make void the law, and as to the Proclamation, the privilege stands good until the day of prorogation. The king is never so high in point of state, as when the parliament is seised in the case of sir R Howard, in the high commission And all privilege is good, unless in case of high-treason, felony, or breach of the peace.

Sir *R. Philips* 'Thus you see how far the prerogative of the king doth intrench on the liberty of the subject, and how hardly it is recovered. He then cited many precedents wherein the goods of a member of parliament were privileged from seizure, in the exchequer. In 12 Eliz it was resolved in parliament, That 20 days before, and 20 days after, was the time of privileges.'

Sir *H. May* desired, 'That, in this debate, we may tie ourselves to point of law and authority, and not to point of reason, and conceiveth that no privilege hath against the king in point of his duties and customs'

Sir *F. Seymour*. 'I desire it may be the first debate, whether this case doth concern the king or not; for I conceive these customers have not made good that there is any right: here is art used only to intitle the king. I conceive it is an high offence, for any man to lay the scandal of every project upon the king.'

Mr. *Glanvile.* 'Here is a cunning affidavit in the exchequer, to intitle the king; a mere cunning project, and an offence of high nature, to shelter their projects under the command of the crown.'

Mr. Secretary *Cooke*. 'The point in question is, not the right of the subjects, but the right of the parliament's privilege, and that in the case of Mr. Rolles; and this is only now a question.'

Sir *J. Strangeways*. 'I know no reason, why we should draw a question upon ourselves, which we need not, especially between the king and us. I conceive it, plainly, that these customers took these goods in their own right, not in the king's, in this the privilege is plainly broken, which is easily determined'

Mr. *Banks*. 'In this case there is no interposing of the king's right; and the king, by his proclamation, hath declared so much.—That the courts at Westminster do grant 12 days privilege to any man, to inform his counsel; much more the courts of parliament are to have their privilege The king's command cannot authorize any man to break the privilege, no more than it will warrant an entry upon a man's land, without process of law.'

Mr. *Solicitor*. 'If he have no right, how can he make a lease? then this pretended right of the customers must needs be void: and therefore the goods must be taken, not in their own, but in the right of the king.'

Mr. *Selden*. 'If there were any right, the pretended right is in the subject. 1. Whether privilege in goods? 2. Whether the right were in the customers only? 3 Whether privilege against the king? 4. If the lords have no privilege in parliament for their goods, they have then no privilege at all, for they are privileged in their persons out of parliament.—For the point of interest, it is plain, no kind of covenant can alter this interest; and, questionless, had they carried their exchequer ap-

peared to the barons, as it doth to us, they would never have proceeded as they did. If our goods may be seized into the exchequer, be it right or wrong, we had as good have none.'

Sir *N. Rich* said, 'It was recorded, the last session in the lords house; and he cited other precedents in this house, that the servant of a member of parliament ought to have privilege as his goods: the question being thus decided, certainly a parliament-man ought to have privilege in his goods.'

Mr. *Noy* saith, 'That these customers had neither commission nor command to seize; therefore, without doubt, we may proceed safely to the other question, that the privilege is broken by the customers, without relation to any commission or command of the king.'

Mr Secretary *Cooke* saith, 'That it is in the commission to seize.'——But the commission being read, it was not found to be there.

Sir *H. May* saith, 'Mr. Daws mentioned that he seized these goods by virtue of a commission and other warrants, remaining in the hands of sir J. Elliot; that therefore the warrants may be seen, whether there be command to seize these goods or not.'

Sir *N. Rich*. 'This day's debate much rejoiceth me, especially the motion made by Mr. Noy; whereby it is plain we have a way open to go to this question, without relation to the king's commission or command, and I desire, in respect there appeareth nothing before us that doth nonumber us, we may go to the question.'

Sir *H. May* again desireth these warrants may be looked into before we go to the question.

Mr. Kirton moved, 'That in respect this hon. gent. pressed this so far, the warrants may be read, that it may appear with what judgment this house hath proceeded.'

Mr. *Glanville*. 'I consent these warrants be seen for and read, but withal, if any thing arise that may produce any thing of ill consequence, let it be considered from whom it doth come. The privy-counsellors here are content with this motion.'—The Warrants being sent for and read, no commission to seize appeared therein.

Mr. *Kirton* said, 'If there be any thing of doubt, I desire these honoureble persons may make their objections.'

Sir *H. May*. 'I rejoice when I can go to court able to justify your proceedings. I confess I see nothing now but that we may proceed safely to the question.'

Secretary *Cooke* said as much.

Mr. *Hackwell* argued against privilege in the time of prorogation.

Mr *Noy* saith, 'He made no doubt but privilege was in force in time of prorogation, until he heard this argument; and saith, he hath heard nothing from him yet that doth alter his opinion, and cited a case, where the lords house with this very prorogation adjudged to be the privilege thereof.'

Mr. *Hackwell* answered, 'He is glad to hear it so, and he is now of the same opinion.'—Then it was resolved, that Mr Rolls ought to have privilege of parliament, for his goods seized 30 October, 5 Jan. last, and all since.

Feb 23. Sir *H. May* said, 'I will never cease to give you the best advice I can. We all agree a wound is given. We have wine and oil before us: it we go to punish delinquency, there is vinegar in the wound; therefore think on some course to have restitution.'

Sir *John Elliot*. 'The question is, whether we shall first go to the restitution or to the point of delinquency; but some now raise up difficulties, in opposition to the point of delinquency; and talk of breach of parliaments; and other fears I meet with, both in this and elsewhere. I take heed you fall not on a rock. I am confident this would be somewhat difficult, were it not for the goodness and justice of the king. Let us do that which is just, and his goodness will be so clear, that we need not mistrust.—Let those terrors, that are threatned us, light on them that make them; why should we fear the justice of a king, when we do that which is just? let there be no more memory or fear of breaches, and let us now go to the delinquency of these men; and that is the only way to procure satisfaction.'

Mr Secretary *Cooke* answered, 'That we laboured, the last day, to bring to our end, now we fall to this issue, to proceed to the delinquency of these men; our ground is, because they had no command from his majesty. I must speak plain; his maj. took notice of our labour, and that we endeavoured to sever the act of the Customers from his maj's command.—His maj. commanded me to tell you, that it concerns him in high degree of justice and honour, that truth be not concealed; which is, that what they did was by his own direct orders and command, or by order of the council-board, his maj himself being present; and, therefore, would not have it divided from his act.'

Report concerning Privilege.] Report was made from the grand committee, that they took into their consideration the violation of the liberties of the house by the Customers; and at last they resolved, That a member of the house ought to have privilege of person and goods; and that the command of his maj. is so great, that they leave it to the house.

Mr. Secretary *Cooke* saith, 'That however this house labours to sever the king's interest, his maj. thanks this distinction will not clear his honour: he is the fountain of honour, and he will not be drawn to do that which may touch him, though others may make distinctions.'

Sir *R. Philips*. 'I had rather pray to God to direct us than give our directions. The king's honour, justice, and government are now presented unto us, and in the case with it the liberties of this house, and we are now fit for debate.

or counsel, in the greatest concernments, our best thoughts and wits are summoned what to do!

Hereupon the house was adjourned to the 25th, and upon that day the following Heads of Articles for Religion being prescribed to the house, were read viz.

"HEADS OF ARTICLES to be insisted on, and agreed upon, at a Sub-Committee for RELIGION.

"I. That we call to mind, how that, in the last session of this parliament, we presented to his majesty an humble Declaration of the great danger threatened to this church and state, by divers courses and practices tending to the change and innovation of religion. II. That what we then feared, we do now sensibly feel; and therefore have just cause to renew our former complaints herein.—III. That, yet nevertheless, we do, with all thankfulness, acknowledge the great blessing we have received from Almighty God, in setting a king over us, of whose constancy in the profession and practice of the true religion here established, we rest full assured, as likewise of his most pious zeal and careful endeavour for the maintenance and propagation thereof, being so far from having the least doubt of his majesty's remissness therein, that we, next under God, ascribe unto his own princely wisdom and goodness, that our holy religion hath yet any countenance at all amongst us.—IV. And for that the pious intention and endeavours, even of the best and wisest princes, are often frustrated through the unfaithfulness and carelessness of their ministers, and that we find a great unhappiness to have befallen his majesty this way, we think, that being now assembled in parliament to advise of the weighty and important affairs concerning church and state; we cannot do a work more acceptable, than, in the first place, according to the dignity of the matter, and necessity of the present occasion, faithfully and freely to make known, what we conceive may conduce to the preservation of God's religion, in great peril now to be lost; and, thereupon, the safety and tranquility of his majesty and his kingdoms now threatened with certain Dangers. For the clearer proceedings therein, we shall declare, 1. What those Dangers and Inconveniences are. 2. Whence they arise. 3. In some sort, how they may be redressed.—The Dangers may appear partly from the consideration of the state of Religion abroad, and partly from the condition thereof within his majesty's own dominions, and especially within this kingdom of England. From abroad we make these observations. 1. By the might and prevalent party, by which true religion is actually oppressed, and the contrary maintained. 2. Their combined counsels, leagues, attempts, and practices together with a most diligent pursuit of the ends, aiming at the subversion of all the Protestant churches in Christendom. 3. The main resistance that is made against them. 4. Their victorious and successful enterprizes, whereby the churches of Germany, France, and other places, are in a great part already ruined, and the rest in the most weak and miserable condition.—In his majesty's own dominions, these: 1. In Scotland, the late lately raised and insolencies committed by the Popish party, have already not a little quailed that famous church; of which, for comfort we take notice, his majesty hath expressed himself exceeding sensible; and has accordingly given most royal and prudent directions therein. 2. Ireland is now almost wholly overspread with Popery, swarming with friars, priests, and jesuits, and other superstitious persons of all sorts, whose practice is daily to seduce his majesty's subjects from their allegiance, and to cause them to adhere to his enemies. That even in the city of Dublin, in the view of the state, where not many years since, as we have been credibly informed, there were few or none that refused to come to church, there are lately restored and erected for friars, jesuits, and idolatrous mass-priests, 13 houses, being more in number than the parish churches within that city, besides many more likewise erected in the best parts of the kingdom; and the people, almost wholly, resolved from our religion, to the open exercise of Popish superstition. The Danger from hence is further increased, by reason of the intercourse which the subjects, of all sorts, in that kingdom, have into Spain, and the Arch-Duchess's country; and that, of late, divers principal persons being Papists are trusted with the command of soldiers, and great numbers of the Irish are acquainted with the exercise of arms and martial discipline; which, heretofore, hath not been permitted, even in times of greatest security. Lastly. Here in England we observe an extraordinary growth of Popery, insomuch that in some counties, where in queen Elizabeth's time there were few or none known Recusants, now there are above 2000, and all the rest generally apt to revolt. A bold and open allowance of their religion, by frequent and public resort to mass, in multitudes, without controul, and that even to the queen's court; to the great scandal of his majesty's government. Their extraordinary insolence; for instance, the late erecting of a college of jesuits in Clerkenwell, and the strange proceedings thereupon used in favour of them. The subtile and pernicious spreading of the Arminian faction, whereby they have kindled such a fire of division in the very bowels of the state, as if not speedily extinguished, it is of itself sufficient to ruin our religion; by dividing us from the Reformed Churches abroad, and separating amongst ourselves at home, by casting doubts upon the religion professed and established; which, if faulty or questionable in three or four Articles, will be rendered suspicious to unstable minds, in all the rest; and incline them to Popery, to which those tenets, in their own nature, do prepare the way; so that if our re-

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ligion be suppressed and destroyed, [illegible] disturbed in Scotland, lest in In[illegible] mined and almost outdared in Eng[illegible] manifest that our Danger is very [illegible] imminent.—The Causes of which Dang[illegible] amongst divers others, we conceive to be chiefly these instanced in: 1. The [illegible] or negligence in execution of the law [illegible] Popery. 2. The late proceedings [illegible] the college of Jesuits. 3. Divers letter[illegible] sir Rob. Heath, his majesty's attorney, [illegible] the country, for stay of proceedings against Recusants. 4. The publishing and defendin[illegible] points of Popery in sermons and books, with[illegible] punishment; instance bishop Montague's [illegible] books, viz. 'The Gagg,' 'Invocation of Saints,' and his 'Appeals;' also Dr Cosin's Horae; and the bishop of Gloucester's Sermons. 5. The bold and unwarranted introducing, practising, and defending of sundry new ceremonies, and laying of injunctions upon many governors of the church and others, with authority, in conformity to the church of Rome; as for example, in some places erecting of altars, in others changing the usual and prescribed manner of placing the communion table, and setting it at the upper end of the chancel, north and south, instead of the High Altar; by which they, also, call it, and adorn it with candlesticks, which, by the injunctions, 10 Eliz. were to be taken away; and do also make obeisance by bowing unto, commanding men to stand up at [illegible]; bringing men to question and trouble for not obeying that command for which there is no authority; injoining that no women be churched without a veil; setting up of pictures, lights and images in churches; praying towards the East, crossing and omnem motum & gestum. 6. The false and counterfeit conformity of Papists, whereby they do not only evade the laws, but obtain places of trust and authority; instance Mr. Browne of Oxford, and his late book written to that purpose, the bishop of Chichester; and the now bishop of Durham. 7. The suppressing and restraint of the orthodox doctrine, contained in the Articles of Religion, confirmed in parliament, 13 Eliz. according to the sense which hath been received publickly, and taught as the doctrine of the church of England in those points, wherein the Arminians differ from us, and other the Reformed Churches; wherein the essence of our Articles, in those controverted points, is known and proved. 8. The publishing of books, and preaching of sermons, contrary to the former orthodox doctrine, and suppressing books written in defence thereof: instance bishop Montague's Gagg and Appeal, Mr. Jackson's Book of the Essence and Attributes of God, Dr White's two sermons preached at court, one the 5th of Nov. the other on Christmas-day last: and for orthodox books suppressed, instance in all that have been written against bishop Montague and Cosins, yea even bishop Carleton's Book. 9. That these persons who have published and maintained such Papistical, Arminian, [illegible] practices [illegible] [illegible] [illegible]

been authors, or abettors, of those Popish and Arminian innovations in doctrine, may be condignly punished. 6. That some good order may be taken for licensing books hereafter. 7. That his maj would be graciously pleased to confer bishopricks, and other ecclesiastical preferments, with advice of his privy council, upon learned, pious, and orthodox men. 8. That bishops and clergymen being well chosen, may reside upon their charge, and with diligence and fidelity perform their several duties, and that accordingly they may be countenanced and preferred. 9. That some course may, in this parliament, be considered of, for providing competent means to maintain a godly, able, minister in every parish-church of this kingdom. 10. That his maj. would be graciously pleased to make a special choice of such persons, for the execution of his ecclesiastical commissions, as are approved for integrity of life and soundness of doctrine."

Sir J. Elliot's Speech against the Lord Treasurer.] Immediately after the reading the above Articles, the king sent to command both houses to adjourn to Monday the 2d of March: On which day,

Sir *John Elliot*, after prayers were ended, and the house set, stood up and said, 'God knows I speak now with all duty to the king. It is true, the misfortunes we suffer are many; we know what discoveries have been made here in these Articles, and how Arminianism creeps in and undermines us, and how Popery comes in upon us. They mask not in strange disguises, but expose themselves to the view of the world. In the search of these, we have fixed our eyes, not on the actors, the Jesuits and Priests, but upon their masters, those that are in authority; thence it cometh we suffer; the fear of them makes those interruptions. You have some prelates that are their abettors: the great bishop of Winchester, we know what he hath done to favour them. This fear extends to some others, that contract a fear of being discovered; that is, the Lord Treasurer (Weston) in whose person all evil is contracted, both for the innovation of religion, and invasion of our liberties; he being the great enemy of the commonwealth. I have traced him in all his actions, and I find him building on those grounds laid by his master the Great Duke; he, secretly, is moving for this interruption; and from this fear they go about to break parliaments, lest parliaments should break them. I find him the head of all that party, the Papists; and all the Jesuits and Priests derive from him their shelter and protection. And I protest, as I am a gentleman, if my fortune be ever again to meet in this honourable assembly, where I now leave, I will begin again.'

The Speaker delivers the King's Message for a further Adjournment; which is not regarded by the House.] The Speaker, being set in the chair, delivered a Message from the king, commanding him, 'To adjourn the House until Tuesday come seven-night following.' To this several members objected, 'That it was not the office of the Speaker to deliver any such command unto them; for the adjournment of the house did properly belong unto themselves: and after they had settled some things they thought convenient to be spoken of, they would satisfy the king.'

Sir John Elliot offers a Remonstrance concerning Tunnage and Poundage.] Sir *John Elliot* said, 'That in the great business of Tunnage and Poundage, the instruments thereof were moved at the Lord Treasurer's command; who dismayed the merchants, invited strangers to come in to drive out our trade, and all to serve his own turn:' and thereupon offered a Remonstrance, which, being refused to be read both by the Speaker and Clerk, was restored to him again; and, by him, read in these words following

"Most gracious sovereign; Your most loyal and dutiful subjects, the commons in this present parliament assembled, being in nothing more careful than of the honour and prosperity of your maj. and the kingdom; which depend upon that happy union and relation betwixt your maj. and your people, do with much sorrow apprehend, that by reason of the uncertainty of their continuance together, the unexpected interruptions which have been cast upon them, and the shortness of time in which your maj. hath determined to end this session, they cannot bring to maturity and perfection divers businesses of weight, which they have taken into their consideration and resolution, as most important for the common good — Amongst other things they have taken into their especial care the preparing a bill for the granting to your maj. such a subsidy of Tunnage and Poundage, as might uphold your profit and revenue, in as ample manner, as their just care and respect for trade (wherein not only the prosperity, but even the life of the kingdom doth consist) would permit; but being a work, which will require much time and preparation by conference with your majesty's officers, and with the merchants not only of London, but of other remote parts, they find it not possible to be accomplished at this time. Wherefore, considering it will be much more prejudicial to the right of the subjects, if your maj. should continue to receive the same without authority of law, after the determination of a session, than if there had been a recess by adjournment only, (in which case that intended great would have related to the first day of the parliament) and assuring themselves, that your maj. is resolved to observe that your royal Answer, which you lately made to the petition of both houses of parliament; yet doubting lest your maj. may be misinformed concerning the particular case, as if you might continue to take the subsidies of Tunnage and Poundage, and other impositions upon merchants, without breaking that Answer; they are forced, by that duty which they owe to your maj. and to those whom they represent, to declare, "That there ought no impositions to be laid upon the Goods of

Merchants exported or imported, without common consent by act of parliament, which is the right and inheritance of your subjects, grounded not only upon the most antient and original constitution of this kingdom, but often confirmed and declared in divers statutes and laws." And for the better manifestation thereof, may it please your maj. to understand, That although your royal predecessors, the kings of this realm, have often had such subsidies and impositions granted unto them upon divers occasions, especially for the guarding of the seas, and safe-guard of merchants; yet the subjects have been ever careful to use such cautions and limitations in those grants, as might prevent any claim to be made that such subsidies do proceed from duty, and not from the free gift of the subject, and that they have, heretofore, used to limit a time in such grants, and for the most part but short, as for a year or two. And, if it were continued longer, they have sometimes directed a certain space of cessation or intermission; that so the right of the subject might be more evident at all other times. It hath been granted, upon occasions of [illegible], for a certain number of years; with provisoe, that if the war ceased in the mean time, then the grant should cease; and, of course, it hath been sequestered into the hands of some subjects, to be employed for the guarding of the coasts and narrow seas. And it is acknowledged, by the ordinary answers of your majesty' predecessors in their assents to the bills of subsidies, proceeding from the good-will of the subjects, very few of your predecessors had it for life until the reign of Henry 7. who was so far from conceiving that he had any right thereunto, that although he granted commissions for the collecting of certain duties and customs for by law, yet he made no commissions for receiving of the subsidies of Tunnage and Poundage, until the same was granted unto him in parl.—Since his time, all the kings and queens of this realm have had the like grants for life, by the free love and good will of the subject; and whensoever the people have been grieved by laying any impositions or other charges upon their Goods or Merchandizes, without authority of law; (which hath been very seldom) yet upon complaint in parliament, they have been forthwith relieved; saving in the time of your royal father, who (having, through ill advice, raised the rates and charges upon merchandizes to that height, at which they were) was yet pleased so far to yield to the complaint of his people, as to offer. That if the value of those impositions which he had set might be made good unto him, he would bind himself and his heirs by act of parliament never to lay any other, which after the commons at that time, in regard of the great burden, did not think fit to yield unto.—Nevertheless your loyal commons in this parliament, out of their especial [illegible] to your service, and special regard of your [illegible] occasions, have taken into their consi[illegible]erations, as the [illegible]frame a grant of Subsidy of Tunnage and Poundage to [illegible] that [illegible] might have been the better enabled for the defence of your realm; and your [illegible]sects, by being secured from all undue charges [illegible] the more encouraged, cheerfully to proceed in their course of trade; by the increase whereof your majesty's profit, and likewise the strength of the kingdom would be very much augmented: but not being, now, able to accomplish this their desire, there is no course left unto them, without manifest breach of their duty both to your maj. and their country, [illegible]ly to make this humble Declaration, That the receiving of Tunnage and Poundage, and other Impositions, not granted by parliament, is a breach of the fundamental liberty of this kingdom, and contrary to your majesty's royal Answer to the Petition of Right." And therefore, they most humbly beseech your maj. to forbear any further receiving of the same; and not to take it ill if part of such of your majesty's loving subjects, who shall refuse to make payment of any such charges, without warrant of law demanded. And as, by this forbearance, your most excellent maj. shall manifest unto the world your royal justice in the observation of your laws, so they doubt not but hereafter, at the time appointed for their coming again, they shall have occasion to express their great desire to advance your majesty's honour and profit."

The Speaker refuses to put the Question; and, offering to leave the House, is held in the Chair. This was again offered to be put to the question; but the Speaker [illegible], "He was commanded otherwise by the king." To this Mr Selden answered, "Mr Speaker, if you will not put the question, which we command you, we must sit till [illegible] shall never be able [illegible] any thing." Whereupon, by command from the king, under the great seal, and as for you, you are, by his majesty, sitting in his royal chair before both houses, appointed our Speaker: and do you now refuse to be a speaker?" The Speaker replied, "He had no express command from the king, [illegible] his intention [illegible]." And, thereupon, he rose and left the chair; but was drawn to it again, by Mr Hollis, son to the earl of Clare, Mr Valentine, and other members. Mr Hollis notwithstanding sir Th. Edmonds, and divers gentlemen and officers, endeavoured to leave the Speaker sware, "God's wounds," "He should sit still, till it pleased them to rise." Then the Speaker, with abundance of tears, answered, "I will not say, I will not, but I dare not," referring that they would not command it as from therein, in regard he had been their faithful servant, and would sacrifice his life for the good of his country: but he durst not sin against the express command of his sovereign.

Mr. Secretary [illegible], "That he never loved his person well, but he could not choose but much blame him now: that he, being the servant of the house, should refuse their command, under any colour: and that his obstinacy would be a precedent to posterity, if it should [illegible] for that hereafter, if we should meet [illegible] upon [illegible] [illegible]

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with a dishonest Speaker (as we cannot promise ourselves to the contrary) he might, under pretence of the king's command, refuse to propose the business and intendment of the house: and therefore wished him to proceed; which he, still, refused with extremity of weeping and supplicatory orations.'

Sir *Peter Hayman*, a gentleman of his own county (Kent) told him, 'He was sorry he was his kinsman, for that he was the disgrace of his country, and a blot of a noble family, and that all the inconveniences that should follow (yea their destruction) should be derived to posterity, as the issue of his baseness, by whom he should be remembered with scorn and disdain; and that he, for his part, since he would not be persuaded to do his duty, thought it fit he should be called to the bar, and a new Speaker chosen.'

Protestation of the Commons.] In the mean time, since neither advice nor threats could prevail, Mr. Hollis was required to read certain Articles as the Protestation of the house; which, jointly as they were read, were allowed with a loud voice by the house: the effect of which Articles are as followeth, viz. "1. Whosoever shall bring in innovation in Religion, or by favour seek to extend or introduce Popery or Arminianism, or other opinions disagreeing from the true and orthodox church, shall be reputed a capital enemy to this kingdom and commonwealth. 2. Whosoever shall counsel, or advise, the taking and levying of the subsidies of Tonnage and Poundage, not being granted by parliament; or shall be an actor or instrument therein, shall be likewise reputed an innovator in the government, and a capital enemy to this kingdom and commonwealth. 3. If any merchant or other person whatsoever, shall voluntarily yield or pay the said subsidies of Tonnage and Poundage, not being granted by parliament; he shall likewise be reputed a betrayer of the liberty of England, and an enemy to the same."

The King sends the Black Rod and threatens to force the Door of the H. of Commons.] These being read and allowed of, the house rose up, after they had sitten down two hours; and in the mean time, the king hearing that the house continued to sit, notwithstanding his command for the adjourning the house, sent a messenger for the serjeant with his mace; which being taken from the table, there can be no further proceedings: but the serjeant was, by the house, stayed; and the key of the door taken from him, and given to a member of the house to keep.—The king sent Mr. Maxwell for the dissolution of the parliament with his Black Rod, but being informed, that neither he nor his Message would be received by the house, he grew into much rage; and sent for the captain of the pensioners and guard to force the door; but the rising of the house, which was adjourned to the 10th of March, prevented the inconveniences and mischiefs that thereon might have ensued.

The King's Speech at the Dissolution of the Parliament.] March 10. The king came to the house of lords, the peers being in their robes, and many of the commons being at the bar of that house; and spake as followeth:—

"My Lords, I never came here upon so displeasing an occasion, it being for the Dissolution of the Parliament; therefore many may wonder, why I did not rather choose to do this by commission; it being a general maxim of kings, to lay harsh commands by their ministers, themselves only executing pleasing things. But considering that justice is as well answered in commending and rewarding of virtue, as punishing of vice, I thought it necessary to come here this day; to declare to you, my lords, and all the world, that it was only the disobedient carriage of the lower-house that hath caused this dissolution at this time; and that you, my lords, are so far from being causers of it, that I have as much comfort in your lordships carriage towards me, as I have cause to distaste their proceedings. Yet, that I may be clearly understood, I must needs say, that they do mistake me wonderfully, that think I lay the fault equally upon all the lower-house; for as I know there are many as dutiful and loyal subjects as any are in the world; so I know that it was only some vipers amongst them, that had cast this mist of difference before their eyes, although there were some amongst them, that would not be infected with this contagion; insomuch, that some by their speaking (which indeed was the general fault of the house on the last day) did shew their obedience. To conclude, my lords, as those evil-affected persons must look for their rewards, so you that are here of the higher-house, may justly claim from me that protection and favour, that a good king oweth to his loyal and faithful nobility. And now, my lord keeper, do what I have commanded you."

Then the lord keeper said, "My lords, and gentlemen of the house of commons, the king's majesty doth dissolve this parliament."

The King's Declaration of the Causes of the Dissolution.] Soon after the Dissolution of the Parliament, the following Declaration appeared—

"His Majesty's Declaration to all his loving Subjects, of the Causes which moved him to dissolve the last Parliament, March 10, 1628.

"Howsoever princes are not bound to give account of their actions, but to God alone; yet, for the satisfaction of the minds and affections of our loving subjects, We have thought good to set down thus much by way of Declaration, that we may appear to the world in the truth and sincerity of our actions, and not in those colours in which we know some turbulent and ill-affected spirits (to maintain and disguise their wicked intentions, dangerous to the state) would represent us to the public view.—We assembled our parliament the 17th of March, in the 3rd year of our reign, for the safety of religion, for procuring our kingdoms and subjects

at home, and our friends and allies abroad. And therfore at the first sitting down of it, we declared the miserable afflicted estate of those of the reformed religion in Germany, France, and other parts of Christendom; the distressed extremities of our dearest uncle, the king of Denmark, chased out of a great part of his dominions; the strength of that party which was united against us, that (besides the Pope and the House of Austria, and their ancient confederates) the French king professed the rooting out of the Protestant religion, that, of the princes and states of our party, some were over-run, others diverted, and some disabled to give assistance. For which, and other important matters, we propounded a speedy supply of treasure, answerable to the necessity of the cause.—These things, in the beginning, were well resented by the house of commons, and with so much alacrity and readiness, that they agreed to grant a liberal Aid; but before it was brought to any perfection, they were diverted by a multitude of questions raised amongst them, touching their liberties and privileges, and by other long disputes, that the bill did not pass in a long time, and by that delay, our affairs were put into a far worse case than at the first; our foreign actions then in hand, being thereby disgraced and ruined, for want of timely help.—To this, as we are not willing to derogate from the merit and good intentions of those wise and moderate men of that house (to whose forwardness we attribute it, that it was propounded and resolved so soon so we must needs say, that the delay of passing it when it was resolved, occasioned by causeless jealousies, stirred up by men of another temper, did much lessen both the reputation and reality of that Supply And their late insolence infused into many of the commissioners and assessors in the country, hath returned up the subsidies in such a scanty proportion, as is [illegible] finitely short, not only of our great occasions, but of the precedents of former Subsidies, and of the intentions of all well-affected men in that house —In those large disputes, as we permitted many of our high prerogatives to be debated, which in the best times of our predecessors had never been questioned, without punishment or sharp reproof; so we did endeavour to have shortened those debates, for want of time, which would have much advantaged our great affairs, both at home and abroad. And therefore, both by speeches and messages, we did often declare our gracious and clear resolution, to maintain not only the parliament, but all our people, in their antient and just Liberties, without either violation or diminution: and to the end, for their full satisfaction and safety, did, by an Answer, framed to the desires by themselves desired, to their parliamentary Petition confirm their antient and just Liberties and Rights, which we resolved, with all constancy and justice to maintain.—This parliament, howsoever, besides the setting our Supply, and their own Liberties, much time in such proceedings (blasting our government, as we are unwilling to remember) yet we suffered them to sit, until themselves desired us to appoint a time for their recess, not naming either adjournment or prorogation —Whereupon by advice of council, we resolved to prorogue and make a session, and that end prefixed a day, by which they might (as was meet in so long a sitting) finish some profitable and good laws; and withal gave order for a gracious pardon to all our subjects, which, according to the use of former parliaments, passed the higher-house, and was sent down to the commons. All which being graciously intended by us, was ill entertained by some disaffected persons of that house, who by their artifices, in a short time, raised so much heat and distemper in the house, for no other visible cause, but because we had declared our resolution to prorogue, as our council advised, and not to adjourn, as some of that house (after our resolution declared, and not before) did manifest themselves to affect, that seldom hath greater passion been seen in that house upon the greatest occasions. And some glances in the house, but upon open rumours abroad, were spread, That by the Answer to that Petition, we had given away, not only our impositions upon goods exported and imported, but the Tunnage and Poundage; whereas in the debate and hammering of that Petition, there was no speech or mention in either house concerning those impositions, but concerning Taxes and other Charges within the land, much less was there any thought thereby to debar us of Tunnage and Poundage, which, both before and after the Answer to that Petition, the house of commons, in all their speeches and treaties, did profess they were willing to grant. And at the same time, many other misinterpretations were raised of that Petition and Answer, by men not well distinguishing between well-ordered liberty, and licentiousness; as if by our Answer to that Petition, we had let loose the reins of our government. And in the distemper the house of commons, laying aside the pardon, (a thing never done in any former parliament) and other business it to have been concluded in that session, some of them went about to frame and contrive a Remonstrance against our receiving of Tunnage and Poundage; which was so far proceeded in, the night before the prefixed time for concluding the session, and so hastened by the contrivers thereof, that they meant to have put it to the vote of the house the next morning, before we should prorogue that session. And therefore finding our gracious favours in the session afforded to our people, so ill requited, and such sinister strains made upon our Answer to that Petition, to the diminution of our profit, and (which was more) to the danger of our government; we resolved to prevent the [illegible] of that Remonstrance, and other dangerous intentions of some ill-affected persons, by ending the session the next morning, some few hours sooner than was expected; and by

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our own mouth to declare to both houses the cause thereof, and for hindring the spreading of those sinister interpretations of that Petition and Answer, to give some necessary directions for settling and quieting our government, until another meeting, which we performed, accordingly, the 26th of June last. The session thus ended, and the parliament risen, that intended Remonstrance gave us occasion to look into the business of Tonnage and Poundage. And therefore, though our necessities pleaded strongly for us, yet we were not apt to strain that point too far, but resolved to guide ourself by the practice of former ages, and examples of our most noble predecessors, thinking those counsels best warranted, which the wisdom of former ages, concurring with the present occasions, did approve; and therefore gave order for a diligent search of records upon which it was found, that although in the parliament holden in the first year of the reign of Edw. 4. the Subsidy of Tonnage and Poundage was not granted unto that king, but was first granted unto him by parliament in the third year of his reign; yet the same was accounted and answered to that king, from the first day of his reign, all the 1st and 2nd years of his reign, and until it was granted by parliament. And that in the succeeding times of Rich. 3. Hen. 7. Hen. 8. Edw. 6. queen Mary and Eliz. the Subsidy of Tonnage and Poundage was not only enjoyed by every of those kings and queens, from the death of each of them deceasing, until it was granted by parliament unto the successor; but in all those times, being for the most part peaceable, and not burdened with like charges and necessities, (as these modern times) the parliament did most readily and cheerfully, in the beginning of every of those reigns, grant the same, as a thing most necessary for the guarding of the seas, the safety and defence of the realm, and the support of the royal dignity. And in the time of our royal father of blessed memory, he enjoyed the same a full year, wanting very few days, before his parliament began, and above a year before the act of parliament for the grant of it was passed. And yet when the parliament was assembled, it was granted without difficulty. And in our own time, we quietly received the same 3 years and more, expecting with patience, in several parliaments, the like grant thereof, as had been made to so many of our predecessors; the house of commons still professing, that multitude of other businesses, and not want of willingness on their part, had caused the settling thereof to be so long deferred. And therefore finding so much reason and necessity, for the receiving of the ordinary duties in the custom-house, to concur with the practice of such a succession of kings and queens, famous for wisdom, justice, and government; and nothing to the contrary, but that intended Remonstrance, hatched out of the passionate brains of a few particular persons; we thought it was so far from the wisdom and duty of a house of parliament, as we could not think, that any moderate and discreet man, (upon composed thoughts, setting aside passion and distemper) could be against receiving of Tunnage and Poundage; especially since we do, and still must pursue those ends, and undergo that charge, for which it was first granted to the crown; it having been so long and constantly continued to our predecessors, as that in 4 several acts of parliament, for the granting thereof to Edw. 6. queen Mary, queen Eliz. and our blessed father; it is, in express terms, mentioned to have been had and enjoyed by the several kings named in those acts, time out of mind, by authority of parliament. And therefore upon these reasons, we held it agreeable to our kingly honour, and necessary for the safety and good of our kingdom, to continue the receipt thereof, as so many of our predecessors had done. Wherefore when a few merchants (being at first but one or two) fomented, as it is well known, by those evil spirits, that would have hatched that undutiful Remonstrance, began to oppose the payment of our accustomed duties in the custom-house, we gave order to the officers of our customs to go on, notwithstanding that opposition, in the receiving of the usual duties; and caused those, that refused, to be warned to attend at the council-board, that by the wisdom and authority of our council, they might be reduced to obedience and duty; where some of them, without reverence or respect to the honour and dignity of that presence, behaved themselves with so much boldness and insolency of speech, as was not to be endured by a far meaner assembly, much less to be countenanced by a house of parliament, against the body of our privy council.—And as in this we did what in reason and honour was fit for the present, so our thoughts were daily intentive upon the re-assembling of our parliament; with full intention, on our part, to take away all ill understanding between us and our people; whose love, as we desired to continue and preserve, so we used our best endeavours to prepare and facilitate the way to it. And to this end, having taken a strict and exact survey of our government, both in the church and commonwealth, and what things were most fit and necessary to be reformed, we found in the first place, that much exception had been taken at a book, entituled "Appello Cesarem," or "An Appeal to Cæsar," and published in 1625 by R. Montague, then batchelor of divinity, and now bishop of Chichester, and because it did open the way to those schisms and divisions, which have since ensued in the church, we did, for remedy and redress thereof, and for the satisfaction of the consciences of our good people, not only by our public proclamation, call in that book, which mustered matter of offence; but to prevent the like doogers hereafter, reprinted the Articles of Religion established in the time of queen Eliz. and by a Declaration before those Articles, we did tie and restrain all opinions to the sense of those Articles, that nothing might be left to narrow fancies and ar-

novations For, we call God to record, before whom we stand, that it is, and always hath been, our hearts desire to be found worthy of that title, which we account the most glorious in all our crown, "Defender of the Faith." Neither shall we ever give way to the authorising of any thing, whereby any innovation may steal or creep into the church, but to preserve that unity of doctrine and discipline, established in the time of queen Elizabeth, whereby the church of England hath stood and flourished ever since.—And as we were careful to make up all breaches and rents in religion at home, so did we, by our proclamation and commandment, for the execution of laws against priests, and popish Recusants, fortify all ways and approaches against that foreign enemy which if it have not succeeded according to our intention, we must lay the fault where it is, in the subordinate officers and ministers in the country, by whose remissness, Jesuits and priests escape without apprehension; and Recusants from those convictions and penalties, which the law and our commandment would have inflicted on them For we do profess, that as it is our duty, so it shall be our care, to command and direct well: but it is the part of others to perform the ministerial office. And when we have done our office, we shall account ourself, and all charitable men will account us innocent, both to God and men And those that are negligent, we will esteem as culpable both to God and us, nod therefore will expect, that hereafter they give us a better account.—And, as we have been careful for the setting of Religion, and quieting the church; so were we not unmindful of the preservation of the just and antient Liberties of our subjects, which we secured to them by our gracious Answer to their Petition in parliament; having not since that time done any act whereby to infringe them. But our care is, and hereafter shall be, to keep them intire and inviolable, as we would do our own right and sovereignty, having for that purpose enrolled the Petition and Answer in our courts of justice.—Next to the care of Religion, and of our subjects Rights, we did our best for the prudent and well-ordering of that Aid and Supply, which was granted us the last session; whereof no part hath been wastefully spent, nor put to any other use, than those for which it was demanded and granted, as, upon payment of our fleet and army, wherein our care hath been such as we have rather to discontent our dearest friends and allies, and our nearest servants, than to leave our soldiers and mariners unsatisfied, whereby any vexation or disquiet might arise to our people We have also, with part of the monies, begun to supply our magazines, and stores of munition, and to put our navy into a constant form and order. Our fleet likewise is fitting, and almost in readiness, whereby the narrow seas may be guarded, commerce maintained, and our kingdom secured from all foreign attempts. These acts of ours might have made this impression in all good minds, that we were careful to direct our counsels, and dispose our actions, as might most conduce to the maintenance of religion, the honour of our government, and the safety of our people. But with mischievous men once ill-affected, 'seu bene, seu male, facta premunt,' and whatsoever once seemed amiss, is ever remembered; but good endeavours are never regarded.—Now all these things that were the chief Complaints the last session, being by our princely care so seriously reformed, the parliament re-assembled the 20th of Jan last. We expected, according to the candour and sincerity of our own thoughts, that men would have framed themselves for the effecting of a right understanding between us and our people. But some few malevolent persons, like empiricks and lewd artists, did strive to make new work, and to have some disease on foot, to keep themselves in request, and to be employed and entertained in the cure. And yet, to manifest how much offences have been diminished, the committees for Grievances, committees for Courts of Justice, and committees for Trade, have, since the sitting down of the parliament, received few Complaints; and those such, as they themselves have not thought to be of that moment or importance, with which our ears should be acquainted.—No sooner th refore was the parliament set down, but these ill-affected men began to move and disperse their jealousies, by casting out some glances and doubtful speeches, as if the subject had not been so clearly and well dealt with, touching their Liberties, and touching the Petition answered the last parliament. This being a plausible theme, thought on for an ill purpose, easily took hold in the minds of many, that knew not the practice. And thereupon the 2nd day of the parliament, a committee was appointed to search, Whether the Petition and our Answer thereunto were enrolled in the parliament roll, and in the courts at Westminster, and in what manner the same was done And a day also was then appointed, on which the house being resolved into a committee, should take into consideration those things, wherein the Liberty of the Subject had been invaded, against the Petition of Right. This, though it produced no other effect of moment or importance, yet was sufficient to raise a jealousy against our proceedings, in such as were not well acquainted with the sincerity and clearness of them There followed another of no less skill, for although our proceedings before the parliament, about matters of Religion, might have satisfied any moderate men of our zealous care thereof, if we are not it did the more set on hand to wrest them the best things into their own nature for want of good digestion; so those distempered persons have done the like of our good intent, by a bad and sinister interpretation for when they did observe, that many honest and religious minds in that house did complain of those things that did threaten the Church; they likewise took the same word in their mouths, and their exclamations

wise was, "Templum Domini," "Templum Domini," when the true care of the Church never came into their hearts: and what the one did out of zeal into religion, the other took up as a plausible theme, to deprive our government; as if we, our clergy, and council, were either senseless or careless of religion. And this wicked practice hath been, to make us seem so to walk before our people, as if we halted before God.—Having, by these Artifices, made a jealous impression in the hearts of many; and a day being appointed to treat of the grant of Tunnage and Poundage, at the time prefixed, all expressed great willingness to grant it. But a new strain was found out, that it could not be done without great peril to the right of the subject, unless we should disclaim any right therein, but by grant in parliament, and should cause all those goods to be restored, which, upon commandment from us or our council, were stayed by our officers, until those duties were paid; and consequently should put ourselves out of the possession of Tunnage and Poundage, before they were granted, for else, it was pretended, the subject stood not in fit case to grant it. A fancy and cavil raised of purpose to trouble the business; it being evident, that all the kings before-named did receive that duty, and were in actual possession of it, before, and at the very time, when it was granted to them by parliament. And although we, to remove all difficulties, did from our own mouth, in those clear and open terms that might have satisfied any moderate and well-disposed minds, declare, That it was our meaning, by the gift of our people to enjoy it; and that we did not challenge it of right, but took it de bene esse, shewing thereby, not the right but the necessity by which we were to take it, (wherein we descended, for their satisfaction, so far beneath ourself, as we are confident, never any of our predecessors did the like, nor was the like ever required or expected from them.) Yet for all this, the bill of Tunnage and Poundage was laid aside, upon pretence they must first clear the right of the subject therein; under colour whereof, they entertain the Complaints, not only of John Rolles, a member of their house, but also of Rd. Chambers, John Fowkes, and Bart. Gilman, against the officers of our Customs, for detaining their Goods, upon refusal to pay the ordinary duty, accustomed to be paid for the same. And upon these complaints, they send for the officers of the customs, enforcing them to attend, day after day, by the space of a month together; they cause them to produce their letters patent under our great seal, and the warrants made by our privy council, for levying of those duties. They examine the officers upon what questions they please, thereby to entrap them for doing our service and commandment. In these and other their proceedings, because we would not give the least shew of interruption, we endured long, with much patience, both these, and sundry other strange and exorbitant incroachments and usurpations, such as were never before attempted in that house.—We are not ignorant how much that house hath, of late years, endeavoured to extend their privileges by setting up general committees for Religion, for courts of Justice, for Trade, and the like, a course never heard of until of later su as, whose former times, the knights and burgesses were wont to communicate to the house such business as they brought from their countries; and where are so many chairs erected, to make enquiry upon all sorts of men, where Complaints of all sorts are entertained, to the unspeakable disturbance and scandal of justice and government; which having been tolerated a while by our father and ourself, hath daily grown to more and more height; insomuch that young lawyers sitting there, take upon them to decry the Opinions of the Judges: and some have not doubted to maintain, That the resolutions of that house must bind the Judges, a thing never heard of in ages past. But in this last assembly of parl. they have taken on them much more than ever before.—They sent messengers to examine our attorney general, (who is an officer of trust and secrecy) touching the execution of some commandments of ours, of which, without our leave first obtained, he was not to give account to any but ourself. They sent a captious and directory Message to the lord treasurer, chancellor, and barons of the exchequer, touching some judicial proceedings of theirs in our court of exchequer.—They sent messengers to examine upon sundry questions, our two chief justices, and 3 other of our judges, touching their judicial proceedings at the gaol-delivery at Newgate, for which they are not accountable to the house of commons.—And whereas suits were commenced in our court of Star-Chamber, against Rd. Chambers, John Fowkes, Barth. Gilman, and Rd. Philips, by our attorney general, for great misdemeanors; they resolved, that they were to have privilege of parliament against us for their persons, for no other cause, but because they had petitions depending in that house; and (which is more strange) they resolved, That a signification should be made from that house, by a letter, to issue under the hand of their Speaker, unto the lord keeper of our great seal, that no attachments should be granted out against the said Chambers, Fowkes, Gilman, or Philips, during their said privilege of parliament. Whereas it is far above the power of that house, to give direction to any of our courts at Westminster, to stop attachments against any man, though never so strongly privileged; the breach of privilege being not in the court that grants, but in the party or matter that puts in execution such attachments. And therefore, if any such letter had come to the lord keeper, as it did not, he should have highly offended us if he had obeyed it. Nay, they went so far, as they spared not the honour of our council board; but examined their proceedings in the case of our customers, interrogating what this or that man of our council said, in direction of them in the business committed to their charge. And when one of the

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members of that house, speaking of our coun-[illegible] said, 'we had wicked counsel;' and another said, 'That the council and Judges sought to trample under feet the Liberty of the Subject,' and a third traduced our court of Star-Chamber, for the sentence given against Savage, they passed without check or censure by the house. By which may appear, how far the members of that house have of late swollen beyond the rules of moderation, and the modesty of former times, and this under pretence of privilege and freedom of speech, whereby they take liberty to declare against all authority of council and courts, at their pleasure.—They sent for our sheriff of London to examine him in a cause, whereof they had no jurisdiction; their true and antient jurisdiction extending only to their own members and to the conservation of their privileges; and not to the censure of foreign persons and causes, which have no relation to their privileges, the same being but a late innovation. And yet upon no enforced strain of a contempt, for not answering to their satisfaction, they commit him to the Tower of London; using that outward pretext for a cause of committing him, the true and inward cause being, for that he had shewed himself dutiful to us and our commandment, in the matter concerning our customs.—In these innovations (which we will never permit again) they pretended indeed our service, but their drift was, to break by this means through all respects and ligaments of government; and to erect an universal overswaying power to themselves, which belongs only to us, and not to them.—Lastly, in their proceeding against our Customers, they went about to censure them as delinquents, and to punish them, for staying some goods of some factious merchants, in our store-house, for not paying those duties which themselves had formerly paid; and which the customers, without interruption, had received of all other merchants, many years before; and to which they were authorised, both by our great seal, and by several directions and commandments from us and our privy council.—To give some colour to their proceedings herein, they went about to create a new privilege, (which we will never admit) That a parliament-man hath privilege for his Goods against the king; the consequence whereof would be, That he may not be constrained to pay any duties to the king, during the time of privilege of parliament. It is true, they would have this case to have been between the merchants, and our farmers of our Customs; and have severed them from our interest and commandment, thereby the rather to make them liable to the censure and punishment of that house. But on the other side, we holding it both unjust and dishonourable, to withdraw ourself from our officers, in any thing they did by our commandment; or to disavow any thing that we had enjoined to be done; upon Monday the 23d of Feb. we sent a Message unto them by secretary Cooke, thanking them for the respect they had shewed [illegible] to severing the interest of our farmers from our own interest and commandment: but that, in regard it was not found, in honour, to acknowledge a truth, that what was done by them, was done by our express commandment and direction, and it far during thereof our farmers should suffer, it would highly concern us in honour. Which Message was no sooner delivered unto them, but in a tumultuous and discontented manner, they called, 'Adjourn', 'Adjourn'. And thereon without any cause given on our part, in a very unusual manner, adjourned until the Wednesday following.—On which day, by the uniform wisdom of our privy council, we caused both houses to be adjourned until the 2nd of March; hoping that in the mean time, a better and more right understanding might be begotten between us and members of that house, whereby the parliament might come to an happy issue.—But understanding, by good advertisement, that their discontent did not in that time digest and pass away, we resolved to make a second adjournment, until the 10th of March; which was done, as well to take time to our self, to think of some means to accommodate those difficulties, as to give them time to advise better; and accordingly, we gave commandment for a second adjournment in both houses, and for cessation of all business till the day appointed; which was very dutifully observed in the higher house, no man contradicting or questioning it. But when the same commandment was delivered in the house of commons by their Speaker, it was straitways contradicted: and although the Speaker declared unto them, It was an absolute right and power in us to adjourn, as well as to prorogue or dissolve; and declared and read unto them divers precedents of that house, to warrant the same: yet our commandment was most contemptuously disobeyed; and some rising up to speak, said, 'They had business to do before the house should be adjourned.'—Whilst the duke of Buckingham lived, he was charged with all the distempers and ill events of former parliaments; and therefore much endeavour was used to demolish him, as the only wall of separation between us and our people. But now he is dead, no alteration was found amongst those envenomed spirits, which troubled them, the blessed harmony between us and our subjects, and continue still to trouble it. For, now, under the pretence of public care of the common-wealth, they suggest new and causeless fears, which in their own hearts they know to be false: and devise new enemies of mischief, so to cast a blindness upon the good affections of our people, that they may not see the truth and largeness of our hearts towards them. So that now it is manifest, the duke was not alone the mark these men shot at, but was only as a near minister of ours, taken up, on the by, and in their passage to their more secret designs; which were only to cast off affairs into a desperate condition, to abate the powers of our crown, and to bring our government into obloquy [illegible] upon [illegible]

quy; that, in the end, all things may be overwhelmed with anarchy and confusion.—We do not impute these disasters to the whole house of commons, knowing that there were amongst them many religious, grave, and well-minded men; but the sincerer and better part of the house was overborne by the practices and clamours of the other, who, careless in their duties, and taking advantage of the times and our necessities, have enforced us to break off this meeting; which, had it been answered with like duty on their parts, as it was invited and begun with love on ours, might have proved happy and glorious, both to us and this whole nation.—We have thus declared the manifold Causes we had, to dissolve this parliament, whereby all the world may see, how much they have forgotten their former engagements at the entry into the war, themselves being persuaders to it; promising to make us feared by our enemies, and esteemed by our friends: and how they turned the necessities grown by that war, to enforce us to yield to conditions incompatible with monarchy.—And now that our people may discern, that these provocations of evil men (whose punishments we reserve to a due time) have not changed our good intentions to our subjects, we do here profess to maintain the true Religion and doctrine, established in the church of England, without admitting or conniving at any backsliding, either to popery or schism. We do also declare, That we will maintain the antient and just rights and liberties of our subjects, with as much constancy and justice, that they shall have cause to acknowledge, that under our government and gracious protection, they live in a more happy and free state than any subjects in the christian world. Yet let no man hereby take the boldness to abuse that liberty, turning it to licentiousness; nor misinterpret the Petition, by perverting it to a lawless liberty, wantonly or frowardly, under that or any other colour, to resist lawful and necessary authority. For as we will maintain our subjects in their just liberties, so we do and will expect, that they yield as much submission and duty to our royal prerogatives, and as ready obedience to our authority and commandments, as hath been performed to the greatest of our predecessors.—And for our ministers, we will not that they be terrified by those harsh proceedings, that have been stirred against some of them. For, as we will not command any thing unjust or dishonourable, but shall use our authority and prerogatives for the good of our people; so we will expect, that our ministers obey us, and they shall assure themselves we will protect them.—As for our Merchants, we let them know, we shall always endeavour to cherish and enlarge the trade of such as be dutiful, without burthening them beyond what is fitting. but the duty of five in the hundred, for guardine of the seas, and defence of the realm, to which we hold ourselves still obliged, (and which deservedly continued without interruption so many successions of ages) we hold as good or dutiful subjects will deny, it being so necessary for the good of the whole kingdom. And if any factious overhaul will affront us in a thing so reasonable, and wherein we require no more, nor in no other manner, than so many of our predecessors have done, and have been dutifully obeyed. let them not deceive themselves, but be assured, that we shall find honourable and just means to support our estate, vindicate our sovereignty, and preserve the authority which God hath put into our hands.—And now having laid down the truth and clearness of our proceedings, all wise and discreet ones may easily judge of those rumours and jealous fears, that are maliciously and wickedly bruted abroad; and may discern by examination of their own hearts, whether (in respect of the free passage of the Gospel, indifferent and equal administration of justice, freedom from oppression, and the great peace and quietness which every man enjoyeth under his own vine and fig-tree) the happiness of this nation can be paralleled, by any of our neighbour-countries; and if not, then to acknowledge their own blessedness, and for the same be thankful to God, the Author of all goodness.'

Mr. Hollis, sir J. Elliot, and other Members, examined before the Privy Council and committed close Prisoners.] March 4. Two days after the date of the foregoing Proclamation, warrants were directed from the privy council to Denzil Hollis, esq; sir Miles Hobart, sir John Elliot, sir Peter Hayman, John Selden, W. Conton, Walter Long, W. Strode, and Benj. Valentine, esqrs commanding their personal appearance the next day. Mr. Hollis, sir J. Elliot, sir M. Hobart, and sir P. Hayman appearing,

Mr. *Hollis* was questioned, 'Wherefore he, contrary to his former vow, did, that morning that the tumult was in the lower house of parliament, place himself above divers of the privy counsellors, by the chair.' He answered, 'That he at some other times, as well as then, seated himself in that place; and as for his sitting above the privy counsellors, he took it to be his due in my place wheresoever, unless at the council-board. And as for his part, he came into the house with as great zeal to do his majesty service as any one whatsoever. And yet nevertheless, finding his maj. was now offended with him, he humbly desired, that he might rather be the subject of his mercy than of his power.' To which the lord treasurer answered, 'You mean rather of his majesty's mercy than of his justice.' Mr. Hollis replied, 'I say of his majesty's power, my lord.'

Sir *John Elliot* was next called in. He was questioned, 'Whether he had not spoken such and such words in the lower house of parliament, and shewed unto the said house such and such a paper?' He answered, 'That whatsoever was said or done by him in that place, and at that time, was performed by him as a member of that house;

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... and that he was, and always will be, ready to give an account of his sayings and doings in that place, whensoever he should be called unto it by that house; where, as he taketh it, it is only to be questioned and ... and the mean time being now but a private man, he would trouble himself to remember what he had or ... spoken or done, in that place as a public man.'

Sir *Miles Hobart*, being questioned about his demeanor in the lower house the same day, and for shutting the door; He answered, 'That he desired to know by what warrant he was examined to give an account of his actions in parliament, when he was a member of that house.' And he said, 'He believed that this was a course without precedent, and no council nor commission could take notice of any thing done in parliament but a parliament itself. Nevertheless he would not stick to confess, that it was he that shut the door that day, and when he had locked the door, put the key in his pocket; [and he did it because the house demanded it.]'

Sir *Peter Hayman* was questioned, 'Wherefore he reproved the Speaker so sharply, that day, in the lower house of parliament?' He answered, 'Because he was the Speaker, and the servant of the house; and one that ought ... have applied himself to the command of the house; and he did it with the more freedom and detestation, because he was his countryman; but yet should also have done it to any other man, that, in the same kind, should have deserved it as he did.' And being further demanded, 'What he himself would have done, if he had been Speaker, and commanded by the king to deliver such a Message from his maj. to the house?' He answered, 'He would have thrown himself at his majesty's feet, and having given his maj. to understand that, in respect he was the Speaker, he was the most improper and unfit person of any to deliver such a Message, and would therefore have most humbly supplicated his maj. to have elected some other to have performed that part.'

Upon these Answers, the four last-named gentlemen were committed close prisoners to the Tower; the sirdes of Mr. Hollis, Mr. Selden, and sir J. Elliot were sealed up, and Mr. Long and Mr. Strode not appearing, a proclamation was issued out for apprehending them, not long after they were taken and committed to the King's-bench prison.

Questions proposed to the Judges relating to them.] The king being resolved to proceed against these members in the Star-Chamber, ... all the Judges to be summoned, who ... accordingly met at Serjeants Inn, on the 26th of April, one Question was proposed by Mr. Attorney, and resolved, viz. 'That the statute of 4 Hen. 8. intituled, 'An Act concerning R. Strode,' was a particular act of parliament, and extended only to R. Strode, and those persons that had joined with him to refer a bill to the house of commons concerning tinners; and although the noble pr... [illegible] ... Judges ... th to them alone, yet it was ... other parliament-men, by ... ought to have, in ... ering those matters ... in a parliamentary ... the Questions Mr. Att... ... writing against ... in Mary following all the ... and then Mr. Attorney proposed these Questions. 1. Whether it may ... lawful to have received probable information of ... heinous attempt, or intention against the king or state, that a subject ought not to make known to the king, or his maj.'s commissioners, when thereunto he shall be required, what information he hath received, and the grounds thereof; to the end the king, being truly informed, may prevent the danger? And if the said subject, in such case, shall refuse to be examined, or to answer the questions which shall be demanded of him for further inquiry and discovery of the truth, whether it be not a high contempt in him, punishable in the Starchamber, as an offence against the general justice and government of the kingdom. Sol. The Resolution and Answer of all the Justices, is, 'That it is an offence punishable as offence said, so that this do not concern himself, but another, nor draw him to danger of treason or contempt, by his answer.'—2. Whether it be a good Answer or Excuse, being thus interrogated, and refusing to answer, to say, 'That he was a parliament-man when he received this information, and that he spake thereof in the parliam.. house; and that before the parliament being now ended, he refused to answer to any such questions but in the parliament house, and not in any other place?' Sol. To this the Judges, by advice printed to Mr. Attorney, gave this Answer, 'That this excuse being in nature of a plea and ... in judgment, was not punishable, and he were overruled in an orderly manner, to make another Answer, and whether the party were ... a more tenus, or by information or ... for this ... he was not to be punish'd.' ... Whether a parliament man, commit... ... offence against the king or council, not in parliament was ought, were the parliament ended, he punished or not? Sol. All the Judges, ... voce, answer'd, 'He ought, ... not punished ... it in parliament; ... the parliament will not give privilege to any contempt done in parliament, ... exceed the bounds and limits of ... and duty.' And it agreed, 'That ... , ... impelled, out of parliament ... words done in parliament, in a parliamentary course, but it is otherwise where things are done extraordinarily, for those are not the acts of a court.'—4. Whether if one parliament-man alone shall ... or 4 or 5 shall ... verily conspire, ... maliciously slanders and ... against the lord of the council and judges, not with intent to question them in a legal course, or in a parliamentary way, but to bring them ... hatred of the people, and the government of ... [illegible]

Parliament ... [illegible] ... the House ... [illegible]

contempt; be punishable in the Star-chamber after the parliament is ended?—Sol The Judges resolve, 'That the same is punishable out of parliament, as an offence exorbitant committed in parliament, beyond the office, and beside the duty of a parliament-man.'—There was another Question put by Mr. Attorney, viz. 5 Whether if a man in parliament, by way of digression, and not upon any occasion arising concerning the same in parliament, shall say, 'The lords of the council and the judges had agreed to trample upon the liberty of the subject, and the privileges of parliament,' he were punishable or not?—The Judges desired to be spared to make any Answer thereunto, because it concerned themselves in particular.—The next day, Mr. Attorney put to the Judges another case. 6. It is demanded of a parliament-man, being called ore tenus, before the court of Star-chamber, and being charged, that he did not submit himself to examination for such things as did concern the king and the government of the state, and were affirmed to be done by a third person, and not by himself; if he confesseth his fault to that refusal, and make his excuse, and plead only that he had privilege of parliament; Whether the court will not over-rule this plea as erroneous, and that he ought to make a further Answer? Sol 'It is the justest way for the king and the party not to proceed ore tenus; because, it being a point of law, it is fit to hear counsel before it be over-ruled; and upon an ore tenus, by the rules of Star-chamber, counsel ought not to be admitted; and it would not be for the honour of the king, nor the safety of the subject, to proceed in that manner.'

An Information in the Starchamber against Mr. Hollis, sir J Elliot &c.] On these Answers from the Judges, the king's attorney general next proceeded to exhibit an information against the gentlemen, in the court of Star-Chamber; which, though not strictly parliamentary, yet, as it refers to what had been done and said in parliament, deserves our notice: as well as the rest of the proceedings against them, as they are collected in Rushworth, to the end of this business. The Information was as follows:

"Jovis 7mo. Die Mart. Anno 5to. Car. R.

"To the king's most excellent maj; Humbly sheweth and informeth unto your most excellent maj. sir Rob Heath, your maj.'s attorney general, for and on your maj.'s behalf, That whereas, by the ancient and fundamental laws of this kingdom, the high court of parliament consisteth of the lords spiritual and temporal in the lords house, and of the knights, citizens, and burgesses in the commons house of parliament; and those two houses, thus composed, do together make up that great and honourable body, wherein your maj. as the supreme sovereign, is the head: and whereas the power of summoning and assembling of parliaments, and of continuing, proroguing, adjourning, and dissolving thereof within this realm at your good pleasure, is the undoubted right of your maj.; and the liberty and freedom of speech, which the members of the said houses of parliament have, according to the privileges of those several houses, to debate, consult, and determine of those things which are proposed and moved amongst them, is, and ever hath been, and ought to be, limited and regulated within the bounds of moderation and modesty, and of that duty which subjects owe to their sovereign: and whereas your maj. for many weighty causes, and for the general good and defence of the church and state of this your kingdom, lately summoned a parliament to be holden at your city of Westminster, the 17th day of March, in the 3d year of your maj.'s reign, which continued from thence by prorogation until the 20th of Jan. last; from which day, until the 25th of Feb. following, the said houses contained sitting. And although the greater part of the house of commons, being zealous of the common good, did endeavour to have effected those good things for which they were called thither; yet between the said 20th of Jan. and the said 25th of Feb. by the malevolent disposition of some ill-affected members of the said house, sundry diversions and interruptions were there made, and many jealousies there unjustly raised and nourished; to the disturbance of those orderly and parliamentary proceedings, which ought to have been in so grave a council. During which time of the said last meeting in parliament, as aforesaid, so it is, may it please your maj. that sir John Elliot, knight, then and all the time of the said parliament, being one of the members of the said commons house, wickedly and maliciously intending, under a feigned colour and pretence of debating the necessary affairs of the present estate, to lay a scandal and unjust aspersion upon the right hon. the lords, and others of your maj.'s most hon. privy-council, and upon the rev. judges, and your counsel learned; and as much as in him lay, to bring them into the hatred and ill opinion of the people; after the said 20th day of Jan. and before the said 25th of Feb. last, did openly and publickly in the said house of commons, falsely and maliciously affirm, 'That your majesty's privy-council, all your judges and your counsel learned, had conspired together to trample under their feet the liberties of the said subjects of this realm, and the privileges of that house.' And further, that when your maj. upon the 25th of Feb. had, by sir John Finch, kt. then Speaker of the said house of commons, signified your royal pleasure, that the said house should be instantly adjourned until the 2d of March then following, he the said sir J. Elliot, and Denzil Hollis, esq.; Benjamin Valentine, gentleman, Walter Long, esq. William Coxton esq. Walter Strode, esq. John Selden, esq. sir Miles Hobart, and sir Peter Hayman, knights, all members at that time of the said commons house, conceiving with themselves, that your said house was justly provoked thereto, would speak

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duly dissolve that parliament; they the said sir J. Elliot, &c and every of them, by unlawful confederacy and combination between them in that behalf before had, did maliciously resolve, agree and conspire, how and by what means, before that parliament should be dissolved, they might raise such false and scandalous rumours against your majesty's government, and your counsellors of estate attending your person, that thereby as much as in them lieth, they might disturb the happy government of this kingdom, by and under your maj.; interrupt the course of traffick and trade; discourage your merchants, and raise jealousies and suspicions in the hearts of your people, that the sincerity of the true religion professed and established in this kingdom, was neglected; and in pursuance of this their resolution and confidence aforesaid, the said sir J. Elliot, with the privity and consent of the said Denzil Hollis, and all other the said confederates, did prepare a paper or writing, wherein he had written, or caused to be written, divers false and scandalous assertions, touching your majesty's government, and touching the persons of divers of your privy-council; which he and they resolved, and conspired, and agreed, should be delivered into the said house of commons, and there publickly read, to the wicked and seditious intents and purposes aforesaid, and not with any purpose or opinion, that those things that were therein contained, if they, or any of them had been true, as indeed they were not, should, or could be at that time entertained, or pursued in any legal or parliamentary way; but merely and only to express, and vent his and their own malice and disaffection to your maj. and your happy government.—And your maj. upon the said 2nd of March having signified your royal pleasure unto the said sir J Finch, then Speaker of that house, That the said house should then be presently adjourned until the 10th day of the said month of March, without any further speech or proceedings at that time; and the said Speaker then delivered your majesty's pleasure and commandment to the said house accordingly, and declared unto them your majesty's express charge and command unto him, That if any should, notwithstanding, disobey your majesty's command, that he must forthwith leave the charge, and wait upon your maj.: unto which commandment of your maj. and signification of your royal pleasure in that behalf, for a present adjournment of the house, the greatest number of the members of that house, in their duty and allegiance unto your maj. were willing to have given a ready obedience; as the lords spiritual and temporal, upon the very same day, upon the like signification, made unto them of your majesty's pleasure, by your lord keeper of your great seal of England, the Speaker of that house, had done: yet so it is, that the said sir J Elliot, for the satisfying of his own malice and disloyal affections to your maj. and by the confederacy and agreement aforesaid, and in a high contempt and disobedience unto your majesty's command, and with set purpose to oppose your majesty's said command, did stand up, and several times offered to speak. Whereupon the said Speaker, in obedience to your majesty's said command, endeavouring to have gone out of the Chair, the said D. Hollis and B. Valentine, being then next the Speaker's Chair, and the one of them on the one hand, and the other of them on the other hand of the Speaker were they so placed themselves of purpose on that they might not out of their disobedience to your maj. and by the confederacy and agreement aforesaid; violently, forcibly, and unlawfully, and with purpose to raise a tumult in the said house, kept and held the said Speaker in the said chair, against his will, and the said Speaker again endeavouring to leave the chair, and having then gotten out of the chair, they, the said D. Hollis and B. Valentine, had violent hands upon the said Speaker, forcibly, and unlawfully, and by strong hand, thrust him into his chair again; and then the said sir J Elliot again stood up, and used these speeches; 'We have prepared a short Declaration of our intentions, which I hope shall agree with the honour of the house, and the justice of the king.' And with that, he threw down a paper into the floor of the said house, desiring it might be read: and the said D. Hollis, B. Valentine, and all other the confederates aforesaid, in disobedience and high contempt of your majesty's said command, called and cried out to have the same paper read. But some others of the house spake to the contrary, that it might not be read; and the house thereupon, by reason of the disorderly behaviour of the said confederates, was much troubled, many pressing violently and tumultuously to have the said paper read, and others dutifully and diligently urging the contrary, to the great disquiet and discomfort of many well-affected members of that house. And the said Wm. Conton, in this distemper, demeaned himself so passionately and violently; that he then, and there violently, forcibly, and unlawfully assaulted and struck —— Winterton, gent. then being a member of the said house: and divers of the members of the said house, being then desirous, and endeavouring to have gone out of the said house, the said sir Miles Hobart did, of his own head, lock the door of the said house, and kept the key thereof; and imprisoned the members of the said house, being then in the said house, against their wills, so that none of them could go out.' And the said Wm. Stroile, for the further expressing of his malignity and undutifulness towards your maj. and in pursuance of the agreement and confederacy aforesaid, openly moved, and with much earnestness urged, That the said Paper or Declaration might be first read, 'To the end, that' (as he then, in great contempt of your royal maj. said) 'We' (meaning the members of the house) 'may not be turned off like scattered sheep, and sent home as we were last sessions, with a scorn put upon us in print;' meaning thereby the words which your maj. in your own person, spake at the ending of

the last session, and caused the same to be printed. and the said Strond in a very disorderly manner; further moved, That all those who would have the said Paper read, should stand up; which divers of them thereupon did accordingly, and he, the said Strond, amongst others did stand up; and in this heat of contentum, and height of disobedience, by the confederacy aforesaid, to have the said paper read, the said sir P Hayman, with rough and reproachful words, reproved the said Speaker, for being constant and resolute in his obedience to your maj. in not putting the reading of the said paper to the question; as by all the said confederates, with many reasons and arguments he was urged to do: and the said sir P. Hayman then further said, 'The said Speaker was made an instrument to cut up the liberty of the subjects by the roots.' But when by no means, the said Speaker would be drawn to transgress your majesty's royal command aforesaid; then, lest the said paper should not be read, the said John Selden moved, That the clerk of the said house might read the same. and when the said sir J Elliot found, that he and his confederates aforesaid, could not procure the said paper to be read; he, the said sir J. Elliot, to the end he might not lose that opportunity, to vent and publish those malicious and seditious resolutions, which he and his confederates had collected, and prepared as aforesaid, took back the said paper again; and then immediately, in the said house, said, 'I shall now express that by tongue, which this Paper should have done;' and then spake these words: 'The miserable condition we are in, both in matters of Religion and Policy, makes me look with a tender eye both to the person of the king, and to the subjects.' And then speaking of them whom he intended to be all instruments in this state, at whom he principally aimed, he said, 'There are amongst them some prelates of the church, the great bishop of Winchester, and his fellows; it is apparent what they have done to cast an aspersion upon the honour, and piety, and goodness of the king these are not all; but it is extended to some others, who, I fear, in guilt of conscience of their own desert, do join their power with that bishop and the rest, to draw his maj. into a jealousy of the parliament; amongst whom, I shall not fear to name the great lord treasurer, in whose person, I fear, is contracted all that which we suffer If we look into Religion or Policy, I find him building upon the ground laid by the duke of Buckingham, his great master; from him, I fear, came those ill counsels, which contracted the unhappy conclusion of the last session of parliament. I find, that not only in the affections of his heart, but also, by his whole behaviour, he is the head of the papists, and I doubt not to fix it undubitably upon him; and so from the power and greatness of him comes the danger of our religion. For Policy, in that great question of Tunnage and Poundage, the interest, which is pretended to be the king's, is but the interest of the one person, to undermine the policy of this government, and thereby to weaken the kingdom; while he invites strangers to come in to drive away our trade, or at least our merchants to trade in strangers bottoms, which is as dangerous. Therefore it is fit to be declared by us, that all that we suffer, is the effect of new counsels, to the ruin of the government of the state; and to make a protestation against all those men, whether greater or subordinate, that they shall all be declared as capital enemies to the king and kingdom, that will persuade the king to take tunnage and poundage without grant of parliament, and that if any merchants shall willingly pay those duties, without consent of parliament, they shall be declared as accessaries to the rest.' Which words of the said sir J. Elliot, were by him uttered as aforesaid, falsely, maliciously, and seditiously, out of the wickedness of his own affections towards your maj. and your gracious and religious government, and by the confederacy, agreement, and privity of the said other confederates, and to lay a slander and scandal thereupon; and not with a purpose, or in a way to rectify any thing which he conceived to be amiss, but to traduce and blast those persons against whom he had conceived malice; for so himself the same day in that house said, and laid down as a ground for what he intended to say, 'That no man was ever blasted in that house, but a curse fell upon him.'—And further, That when the said sir J. Elliot had thus vented that malice and wickedness which lay in his heart; and as appeareth by his own words, were expressed in the said paper, which was prepared as aforesaid; the said Walter Long, out of his inveterate malice to your maj. and to your affairs, and by the confederacy aforesaid, then and there said, 'That man who shall give away my liberty and inheritance (I speak of the merchants) I note them for capital enemies to the kingdom.' And lest the hearers should forget those wicked desperate positions laid down as aforesaid, and to the end the same might have the deeper impression, and be the more divulged abroad to the prejudice of your maj. and of your great affairs, and to the scandal of your government; the said D Hollis collected into several heads, what the said sir J. Elliot had before delivered out of that paper, and then said, 'Whosoever shall counsel the taking up of Tunnage and Poundage, without an act of parliament, let him be accounted a capital enemy to the king and kingdom.' And, further, 'What merchants soever shall pay Tunnage and Poundage without an act of parliament, let him be accounted a betrayer of the liberty of the subject, and a capital enemy to the king and kingdom.'—Which position thus laid, the said D. Hollis, neither being Speaker, nor sitting in the chair as in a committee by direction of the house; but in an irregular way, and contrary to all course of orderly proceedings in parliament offered to put these things so delivered by him as aforesaid, to the question; and drew from his confederates aforesaid an applause and assent, [illegible] things in Please to be read by the house.—

And [illegible] That the disobedience of the said [illegible]rites was then grown to that high [illegible]ston I'd. Granston, the sergeant [illegible] attending the Speaker of that [illegible] by your maj. personally to attend [illegible] business, and the same was made known [illegible] House, the said confederates [illegible] that time, forcibly and unwarrantably [illegible] said Lil. Granston broke [illegible] the said House, and would not suffer him to go [illegible] the House to attend your maj. and [illegible] also on the same day, James Maxwell, [illegible] the gentleman-usher of the black-rod, was sent [illegible] your maj. to the said Commons house, with a Message immediately from your majesty's [illegible] person, they the said confederates most [illegible] stopped up the door of the house, and [illegible] the said James Maxwell from [illegible] to deliver his Message, &c. all which, the [illegible] was then adjourned until the said 10th day of March then following, and on the said 10th day of March the said parliament [illegible] was dissolved, and [illegible] of all which premises, and [illegible] the contempt and disobedience of the said Sir John Eliot, and other the confederates aforesaid, [illegible] were so great and so many, as are warranted by the privilege and due proceedings of parliament; were also committed with so high a hand, and are of so ill example and so dangerous consequence, and remain all unreformed; therefore he, the said attorney general, prayed a process against them to answer their contempts in the high court of Star-chamber."

The rest of the judicial proceedings against these gentlemen are divided in Rushworth, but we shall connect them together in this manner:

The Members brought, upon a Habeas Corpus, before the Court of King's-Bench.] Pasch 5 CAROLI, Banco Regis. Upon a Habeas Corpus of this court to bring the body of William Stroud, esq. with the cause of his imprisonment, to the marshal of the king's-bench; it was returned in this manner, 'That Mr. Wm Stroud was committed into my custody, by virtue of a certain warrant under the hands of 12 of the lords of the privy-council of the king.' The tenor of which warrant followeth in these words: "You are to take knowledge, That it is his majesty's pleasure all [illegible] commandment, that you take into your custody the body of Wm Stroud, esq. and keep him close prisoner till you shall receive other order, either from his maj. or this board, for so doing, this shall be your warrant. 2d April, 1629." And the direction of the warrant was, 'To the Marshal of the King's-bench, or his deputy.' He is also detained in prison, by virtue of a warrant under his majesty's hand, the tenor of which warrant followeth in these words: "C. R. Whereas you have in your custody the body of Wm Stroud, esq. by warrant of our lords of our privy-council, by our special command; you are to take notice, that your commitment was for notable contempts [illegible] by him committed, against our self and our government, and for stirring up sedition against us: for which you are to detain him in your custody until to keep him close prisoner, until our pleasure be further known concerning [illegible] determine. Given at Greenwich, 7th May, 1629." The direction being, 'To the Marshal of our bench for the time being.'—Upon another Habeas Corpus to the Marshal of the Marshalsea, to have the body of Walter Long, esq. in court, it was returned according to the return of Mr Stroud.

Trinity 5 CAROLI, Banco Regis. The first day of this term, upon a Habeas Corpus to Mr Selden, out of the Tower, to bring here the body of John Selden, esq. with the cause of his detainer; a return of the same was made as in Mr Stroud's case. And Mr. Littleton at the bar [illegible] counsel with Mr Selden, moved, 'That the return was insufficient in substance, that he prayed, That he might be discharged.' And said, That it was a matter of great consequence, both in the prerogative of the king, and in the liberty of the subject: but as for the difficulty of law contained in it, he said under favour, the case was to be said to be Grant [illegible] and to be argument, and concluded, That the prisoner might be bailed.'—The same day sir Miles Hobart, Benj. Valentine and Denzil Hollis, esq; appeared at the bar, upon the Habeas Corpus directed to several prisons. And their counsel were heard at large argued the case for the same: but because the same return was made for them as for Mr. Selden, they all declared, They would rely on this argument made by Mr Littleton some few days since. sir R. Heath, Attorney-General, replied, 'That this return was good, in that Mr Selden and the rest of the parties ought not to be bailed; and that, within the return, there appears good cause of their commitment and of their detainer also. He said, the case is great in expectation and consequence, and concerns the liberty of the subject on one part, whereas the argument is plausible, and in the other part it concerns the safety and prerogative of the king, which (he said) is a thing of great weight, and that the consideration of both pertained to the judges, without letting the cause, or to intend existing the other and prejudging the question, and concluded, That the prisoners ought to be remanded.

The Members remanded to the Prison of the King's Bench.] When the court was ready to have entered their [illegible] in the great book, the prisoners were brought to the bar, in order to hear the rule of the court for their imprisonment was made, for the keepers of the several prisons to bring [illegible] prisoners [illegible] their appearance, except [illegible] Mr Stroud, who was [illegible] Littleton [illegible] was [illegible] order [illegible]

them was removed out of his prison in which he was before.' But notwithstanding it was prayed by the counsel for the prisoners, that the court would deliver their opinion as to the matter in law, yet they refused to do so, because it was to no purpose, for the prisoners being merely bailed could not be lawfully delivered, or remanded.

The King's Letters to the Judges, on that Occasion.] The evening before, there came a Letter to the Judges of this court from the King himself, informing the court with the reasons, wherefore the prisoners were not suffered to come at the day appointed for the resolution of the Judges. These were the words of the letter:

"To our trusty and well-beloved, our chief justice, and the rest of our justices of our bench.

"C. R. Trusty and well-beloved, we greet you well. Whereas, by our special commandment, we have lately removed sir Miles Hobart, Walter Long, and Wm. Stroud from the several prisons where they were formerly committed, and have now sent them to our Tower of London; understanding there are various constructions made thereof, according to the several apprehensions of those who discourse of it, as if we had done it to declare the course of justice we have therefore thought fit to let you know the true reason and occasion thereof, as also, why we commanded those and the other prisoners should not come before you the last day; we (having heard how most of them, a while since, did carry themselves insolently and unmannerly both towards us and your lordships) were and are very sensible thereof, and though we ourselves gave them some admonition for that miscarriage, yet we could not but vindicate our honour, and the honour of so great a court of justice so far, as to let the world know how much we dislike the same; and having understood, that your lordships and the rest of our judges and barons of our court of Common Pleas and Exchequer (whose advices and judgments we have desired in this great business, so much concerning our government) have not yet resolved the main question, we did not think the presence of those prisoners necessary, and until we should find their temper and discretions to be such as may deserve it, we were not willing to afford them favour. Nevertheless, the respect we bear to the proceedings of that court, hath caused us to give way, that Selden and Valentine should attend you to-morrow; they being sufficient to appear before you, since you cannot as yet give any resolute opinion in the main point in question."

Within three hours after the receipt of those letters, other letters were brought unto these said judges, as followeth:

"To our trusty and well-beloved, our Chief Justice, and the rest of our justices of our bench.

"C. R. Trusty and well-beloved, we greet you well; Whereas, by our letters of this day's date, we gave you to understand our pleasure, That of those prisoners, which, by our commandment, are kept in our Tower of London, Selden and Valentine should be brought to-morrow before you; now, upon more mature deliberation, we have resolved, That all of them shall receive the same treatment, and that none shall come before you until we have cause given us to believe they will make a better demonstration of their modesty and civility, both towards us and your lordships, than at their last appearance they did. Given under our signet at our manor at Greenwich, the 24th day of June, in the 5th year of our reign."

So the court delivered no opinion this term; and the imprisoned gentlemen continued in restraint all the long vacation.

The King sends for the Judges.] Towards the latter end of this vacation, all the justices of the King's Bench, being then in the country, received a letter to be at Serjeant's Inn upon Michaelmas-Day. These letters were from the council-table, and the cause expressed in them, was, 'That his majesty had present and urgent occasion to use their service.' The Judges came up accordingly on Tuesday, being Michaelmas-day. The next morning about 4 o'clock, letters were brought to the chief justice from Mr. Trumbul, clerk of the council then attending, that he and judge Whitlock, one of the judges of that court, should attend the king that morning, so soon as conveniently they could; which the chief justice and that judge did at Hampton that morning. Here the king, taking them apart from the council, fell upon the business of the gentlemen in the Tower, and was contented they should be bailed, notwithstanding their obstinacy, in that they would not give the king a Petition, expressing, 'That they were sorry he was offended with them.' He shewed his purpose to proceed against them by the common-law in the King's Bench, and to leave his proceeding in the Star-chamber. Divers other matters he proposed to the said judges by way of advice, and seemed well contented with what they answered, though it was not to his mind, which was, 'That the offences were not capital, and that by law the prisoners ought to be bailed, giving security for their good behaviour.' Whereupon the king told them, 'That he would never be offended with his judges, so they dealt plainly with him, and did not answer him by oracles and riddles.' Both these judges did at that time, what good offices they could to bring on the king to heal this breach.

A Motion to bail the Prisoners.] The first day of Michaelmas term, it was moved, by Mr. Mason, to have the Resolution of the Judges; and the court with one voice said, 'That they are now content, that they should be bailed, but that they ought to find sureties also for their good behaviour.' And Justice Jones said, 'That so it was done in the case which had been often remembered to another

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purpose, to wit, Rastell's Case, in 9 Ed 3.' To which Mr. Selden answered (with whom all the other prisoners agreed in opinion) 'That they have their sureties ready for the bail, but not for the good behaviour, and desire, that the bail might first be accepted, and that they be not urged to the other; and that for these reasons: 1. 'The Chamber hath [illegible] in court, they have been imprisoned for these 30 weeks, and it had been oftentimes argued on the one side and the other, and those that argued for the King, always demand that the [illegible] should be remanded, and the [illegible] argued on our side, desired that we might be bailed or [illegible], but it was never the use of the one side or the other, that we should be bound to the good behaviour. And, in the last term, several days were appointed for the Resolution of the court, and the [illegible] in question was, 'If bailable or not?' Therefore they now desire, that the matter of bail and of good behaviour may be severed, and not confounded.' II. 'Because the binding of sureties of good behaviour is seldom urged upon returns of felonies or treasons. And it [illegible] but an implication, upon the return, that we are guilty of those matters which are objected.' III. 'We demand to be bailed, as a point of right, and if it be not grantable as right, we do not demand it, but the binding of sureties for the good behaviour, is a point of discretion merely, and we cannot assent to it, without great offence to the parliament, where these matters, which, as surmised by the return, were acted and, by the statute of 4 Hen 8 all punishments of such natural [illegible] made void and of none effect, therefore [illegible].

The Opinion of the Court.] Coke, The Return doth not make mention of any thing done in parliament, and we cannot, in a judicial way, take notice that these things were done in parliament.—Whitlock, 'The surety of good behaviour is a surety concerning more than the doing any thing that may fall out to the common [illegible], and it is an act of government and jurisdiction, and not of law.'—Crooke, 'It is inconvenient to the prisoner for the [illegible] that such bail should be taken in the case of a [illegible].' Hereupon Sir Rob. Heath, Attorney-General, said, 'That it is the common use of the Court, if [illegible] to bail in this case, to deliver in the court assembled.'—Hyde, Chief Justice, 'If now you refuse to find sureties for the good behaviour, and I for that cause remand you, perhaps we, afterwards, will not grant Habeas Corpus to you, inasmuch as we are made acquainted with the cause of your imprisonment.'—Hereupon Ashley, the Sheriff's servant, offered his own bail for Mr. Hollis, one of the prisoners, who had not yet caught hold of him: but the Court returned for answer, 'That it is contrary to the course of the Court unless the prisoner himself will enter into it, and also.' And the Mr. Hollis refused to do.—Mr. Long, the [illegible] in the chair [illegible] Chief Justice's [illegible] behaviour, refused to continue his [illegible]

[illegible] Parliament [illegible] [illegible] [illegible]

Long, was chosen one of the citizens to serve for the said city, in the parliament then summoned, to be holden upon the 17th of March, in the said 3rd year of his maj.'s reign; and being so chosen, and returned by the sheriff of the county of Somerset, notwithstanding his said bailiwick, to attend in his proper person, within his bailiwick, unless he were licensed by his maj.; he the said defendant did make his personal appearance in the commons house of parliament; and did, during the most part of the said parliament, continue in and about the city of London and Westminster, and did attend in the parliament, as a citizen for the said city of Bath, during all which time he likewise was, and continued high sheriff for the said county of Wilts, and had no particular license from his maj. to the contrary. Upon consideration whereof, as also of the particular causes and reasons of the defendants demurrer and plea formerly exhibited unto the said information; the benefit whereof was by order of the court reserved unto the defendant to be debated and considered of at the hearing of this cause, and of divers other matters now urged for the defendant, both to have justified his the said defendant's attendance in parliament, and his not residence in person in the county whereof he was then sheriff, and among other things that it properly belonged to the house of parliament to judge of the justness or unjustness of the said election; and upon grave and mature consideration thereof had and taken by the court, their lordships did not only conceive the said demurrer and plea, and other the arguments and reasons used by the defendant and his counsel, to be of no weight or strength, but also to be in opposition and derogation of the jurisdiction of the court. the reasons moved and urged for the defendant's excuse or justification being clearly answered, and the charges of the information made good by Mr Attorney-general, and others of his majesty's counsel learned.—And therefore the whole court were clear of opinion, and did so declare, 'That the said defendant, who at that time, as high sheriff, had the custody and charge of the county of Wilts committed unto him by his maj., had taken his oath according to the law to abide in his proper person within his bailiffwick, during all the time of his sheriffwick as aforesaid and whose trust and employment did require his personal attendance in the said county, had not only committed a great offence in violating the said oath so by him taken, but also a great misdemeanor in breach of the trust committed unto him by his maj., and in contempt of his maj.'s pleasure signified unto him, by and under his highness's great seal, when it granted unto him the said office of sheriffwick aforesaid. For which said several great offences, in breach of his said oath, neglect of the trust and duty of his place, and the great and high contempt of his said dear lo. ships did hold the same ill fined not worthy the sentence of the court the rather, in the end that, by this example the sheriffs of all other counties may be deterred from committing the like offences hereafter; and may take notice, that their personal residence and attendance is required within their bailiffwicks during the time of their sheriffwick. The court therefore thought fit, ordered, adjudged, and decreed, that the said defendant should stand and be committed to the prison of the Tower, there to remain during his majo's pleasure, and also pay a fine of 2000 marks to his maj.'s use, and further make his humble submission and acknowledgment of his offence both in the court of Star-chamber, and to his majesty before his enlargement from thence."

The Judges give their Opinions in the Case for John Elliot, &c.] In the same term, Mr Mason argued, in the King's bench for sir John Elliot, against the information preferred against him (amongst others) by sir R. Heath, the king's attorney-general, and the same day the attorney-general argued in maintenance of the said Information. The Judges also, the same day, spake briefly to the case, and agreed with one voice, that the court, as this case is, shall have jurisdiction, although that these offences were committed in parliament, and that the impeached members ought to answer.'

Mr Justice *Jones* began and said, 'That though this question be now newly moved, yet it is an antient question with him, for it had been in his thoughts these 18 years. For the information, there are 3 questions in it.' 1. Whether the matters informed be true or false, and this ought to be determined by jury or demurrer? When the matters of the information are found or confessed to be true, if the Information be good in substance? 3. Admit that the offences are truly charged, if this court hath power to punish them? And that is the sole question of this day.—And it seems to me, that of these offences, although committed in parliament, this court shall have jurisdiction to punish them. The plea of the defendants here to the jurisdiction being concluded with a demurrer, is not peremptory unto them, although it be adjudged against them; but if the plea be pleaded to the jurisdiction, which is found against the defendant by verdict, this is peremptory. In the discussion of this point, I decline these questions. 1. If the matter be vitial in parliament, when it is finished, where it can be punished and examined in another court? 2. If the matter be commenced in parliament, and that ended, if afterwards it may be questioned in another court? I question not these matters, but I hold, That an offence committed, criminally, in parliament, may be questioned elsewhere, as in this court; and that for these reasons. 1. Quia interest reipublicæ, it much is non nameant impunita, and there ought to be a fresh punishment of them. Parliaments are called at the king's pleasure, and the king is not compellable to call his parliament; and if, before the next parliament, the party offending, or the witnesses, die, then there will be a failure of ju-

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tice. 2. The parliament is no constant court, every parliament mostly consists of several men, and, by consequence, they cannot take notice of matters done to the foregoing parliament, and there they do not examine by oath, unless it be in chancery, as it is used of late time. 3. The parliament cannot send process to make the offenders to appear at the next parliament, and being at large, if they hear a noise of a parliament, they will bigam facere, and so prevent their punishment. 4. Put the case that one of the defendants be made a baron of parliament, then he cannot be punished in the house of commons, and so he shall go unpunished.—It hath been objected, 'That the parliament is a superior court to this, therefore this court cannot examine their proceedings.' To this I say, That this court in the King's-bench is a higher court than the justices of oyer and terminer, or the justices of assize, but if an offence be done where the King's-bench is, after it is removed, this offence may be examined by the justices of oyer and terminer, or by the justices of assize. We cannot question the judgments of the parliaments, but their particular offences.—A second Objection is, 'That it is a privilege of parliament, whereof we are not competent judges.' To this I say, That *privilegium est privata lex, & privat legem.* And this ought to be by grant or prescription, in parliament, and then it ought to be pleaded for the manner, as is in 39 Hen. 6. as it is not here pleaded. Also, we are judges of all acts of parliament, as 4 Hen. 7. Ordinance made by the king and commons is not good, and we are judges in that shall be said a statute of parliament, as it is in Fowler's and Partridge's Case. We are judges of their lives and lands therefore of their liberties. And, 8 Eliz. it was the opinion of Dyer, Catlyn, Welsh, Brown, and Southcot, justices, 'That offences committed in parliament may be punished out of parliament.' And 3 Eliz. 10. it is so of law. And it is usual, near the end of parliaments, to set down some petty punishment upon offenders in parliament, in prejudice of other courts. And I have seen a roll in this court, in 6 Hen. 6. where judgment was given in a writ of nonentry in Ireland, and afterward the said judgment was reversed in parliament in Ireland, upon which judgment, writ of error was brought in this court, and reversed.'

Mr. Justice *Hyde* argued to the same effect. 'No new matter hath been urged this day, but them that argue for the defendants, but the same reasons and authorities, in substance, which were objected before all the justices of England, and barons of the Exchequer, at Serjeant's-Inn in Fleet-Street, upon an information, in the Star chamber, for the same matter. At which time, after great deliberation, it was resolved by all of them, 'That an offence committed in parliament that being ended, may be punished out of parliament and no court more apt for that purpose than this court, in which we are. For it cannot be punished in a future parliament, because that cannot take notice of matters done in a foregoing parliament.—As to what was said, 'That an inferior court cannot meddle with matters done in a superior,' true it is, that an inferior court cannot meddle with judgments of a superior court, but if particular members of a superior court offend, they are oft-times punishable in an inferior court. as if a judge shall commit a capital offence in this court, he may be arraigned thereof at Newgate. Lit. S. 19. and 1 Mar. which have been cited, over-rule the case of Hartcare, &c.'

Mr. Justice *Whitelocke*. 'I say in this case, 1. Nihil dictum quod non dictum prius. 2. That all the Judges of England have resolved this very point. 3. That upon these and the like precedents in case, for it is not now in question, if these be offences or no, or true or false, but only if this court have jurisdiction.—It hath been objected, 'That the offence is not capital, therefore it is not examinable in this court.' But though it be not capital, yet it is criminal; for it is sowing of sedition to the destruction of the commonwealth.—The question now is not between us, that are judges of this court, and the parliament, in between the king and the parliament; but between some private members of the house of commons and the king himself. For here the king himself questions them for those offences, as well he may. For every commonwealth there is one supreme power, which is not subject to his questioned by any other; and that is the king in his commonwealth; who, as Bracton said, 'Solum Deum habet ultorem.' But no other in the realm hath this privilege. It is true, that which is done in parliament, by consent of all the house, shall not be questioned elsewhere, but if any private members, or some few of them, or a multitude of them, or a main part, & smit sedition, is there such a community of the place, that they may not be questioned for it elsewhere? The business of Ross, as the case hath been put, being an assault here, preferred matter against the state, and was resented. That although 'Lex non vexat in alieno solo,' yet when he goes out of the bound of his office, and complots with traitors in this kingdom that he shall be pardoned, an offender here, A minister hath a great privilege when he is in the pulpit but yet if in the pulpit, he utter speeches which are scandalous to the state, he is punishable. So in this case, if an a burgess of parliament becomes traitorous, he shall not have the privilege of parliament. In my opinion, the realm cannot subsist without parliaments, but the behaviour of parliament-men ought to be parliamentary. No outrageous speeches were ever used against a great minister of state in parliament, which have not been punished. In parliament there is utter scandalous speeches against the state, he may be questioned by them before commissioners of Oyer and Terminer. For as this is no judicial act of the court.—But it hath been objected, That

we cannot examine acts done by a higher power To this I put this case: when a peer of the realm is arraigned of treason, we are not his judges, but the high-steward; and he shall be tried by his peers: but if error be committed in this proceeding, that shall be reversed by error in this court. For that which we do is coram ipso rege.—It hath been objected, That the parliament-law differs from the law by which we judge, in this court, in stanley cases. And for the instance which hath been made, That, by the statute, none ought to be chosen burgess of a town in which he doth not inhabit, but that the usage of parliament is contrary. Yet if information be brought upon the said statute against such a burgess, I think this statute is a good warrant for us to give judgment against him.—And it hath been objected, That there is no precedent in this matter. But there are sundry precedents, by which it appears, that the parliament hath transmitted matters to this court; as 2 Rich. 2 there being a question between a great peer and a bishop, it was transmitted to this court, being for matter of behaviour: and although the judges of this court are but inferior then, yet the court is higher, for it appears, by the 11 Hen. (Dyer) That the earl Marshal of England is an officer of this court: and it is always admitted in parliament, That the privileges of parliament hold not in 3 cases, 1 In case of Treason; 2 In case of Felony, and, 3. In suit for the peace. And the last of our services 'Therefore &c."

Mr Justice Crooke argued to the same intent, he said, "That offences ought to be punished in this court in no where; and all manner of offences, which are against the crown, are examinable in this court. It hath been objected, That by this means, none will adventure to make his complaints in parliament. That is not so; for he may complain in a parliamentary course, but not out of it, and unlawfully, as here is pretended; for that which is unlawful cannot be a parliamentary matter."—It hath been objected "That the parliament is a higher court than this. And it is true: but every member of parliament is not in court, and if he commit offence, he is punishable here. Our court is a court of high jurisdiction, though it cant of take cognizance of real pleas, but if a real plea comes by error in this court, it shall never be transmitted. But this court may award a Grand Capias, and other process usual in real actions: but of all capital and criminal causes we are original commission judges; and, by consequent, of this matter. But I am not of the opinion of Mr Attorney General, That the Lord Paulture could have made this treason."

And for the other matters, Mr Justice Crooke agreed with the other judges. Therefore in the court, the defendants were ruled to plead further; and Mr Lenthal, of Lincoln's-Inn was assigned of counsel for them. But, inasmuch as the defendants would not put in other plea, in the last day of the term judgment was given against them, which [illegible]; which judgment was pronounced by Mr. Justice Jones, to this effect.

"The matter of the Information now, the confession of the defendants, is admitted to be true; and we think their plea to the jurisdiction insufficient for the matter and manner of it. And we hereby will not draw the true liberties of parliament-men into question, to wit, for such matters which they do or act in a parliamentary manner. But, in this there was a conspiracy between the defendants to slander the state, and to raise sedition and discord between the king, his peers, and people; and this was not a parliamentary matter. All the judges of England, except one, resolved the statute of 4 Hen. 8 to be a private act, and to extend to Stroud only: though every member of the parliament-house have such privileges as are there mentioned, yet they have no privilege to speak at their pleasure. The parliament is an high court, therefore it ought not to be disorderly, nor ought to give good example to other courts. If a judge of our court shall rail at the state or clergy, he is punishable for it. A member of the parliament may charge any great officer of the state with any particular offence; but this was a malevolous accusation, in the generality, against all the officers of state; therefore the matter contained within the information is a great offence, and punishable in this court. For the Punishment, although the offence be great, yet that shall be with a little hand, and shall be in this manner. 1. That divers of the defendants shall be imprisoned during the king's pleasure: sir John Elliot to be imprisoned in the Tower of London, and the other defendants in other prisons. 2. That none of them shall be delivered out of prison, until he give security to this court for his good behaviour, and have made submission and acknowledgment of his offence. 3 Sir John Elliot, inasmuch as we think him the greatest offender and the ringleader, shall pay in the way of a fine of 2000*l.* and Mr. Hollan one of 1000 marks: and Mr. Valentine, because he is of less ability than the rest, shall pay a fine of 500*l.*" And to all this all the other justices, with one voice, accorded. Some of these gentlemen died in prison, because they would not pay the fine; others, not able to pay it, on their petitions, submission, and condition not to come nearer the court than ten miles, and giving a bond of 2000*l.* for their good behaviour, were released.

The King's Proclamation against false Rumours, &c.] Soon after this parliament was dissolved, the king understanding, That several members of the house of commons had industriously spread it about, in different parts of the kingdom, 'That he was for destroying the liberties of the people, by taking Tunnage and Poundage without consent of parliament; that Trade was quite ruined and gone, and Religion in danger,' set forth another Proclamation[a] &c.

[a] See the same in Rush. Hist. Collect. vol. 1. p. 661.

" By the [illegible] t, notw[illegible] majesty's [illegible] for sa[illegible] minds and [illegible] his loving [illegible] some ill-di[illegible] as do spr[illegible] pernicious rumo[illegible] abroad; as if the [illegible] lous and seditious propositions, in the [illegible] commons, tumultuously taken by some [illegible] after that by his majesty's royal authority [illegible] had commanded their adjournment, had been the voice of the whole house, whereas the [illegible] trary is the truth Which proposition was [illegible] thing of a most wicked and dangerous consequence to the good estate of this kingdom; and it appeareth to be so, by those impressions which this false Rumour hath made in men's minds; whereby, out of causeless fears, the Trade of this kingdom is disturbed, and merchants discouraged to continue their traffick. His maj hath thought it expedient, not only to manifest the truth thereof, but to make known his royal pleasure, That those who raise or nourish false reports, shall be severely punished, and such as carefully go on with their trades, shall have all good encouragement; and purposing to overcharge his subjects by [illegible] new burdens, but to satisfy himself with those duties that were received by the king his father, of blessed memory, which his now may neither can nor will dispense with[illegible]. And, whereas, for several ill ends, the calling again of a parliament is divulged; how soever his maj hath shewed, by his frequent meeting with [illegible] ople, his love to the use of parliaments, yet, [illegible] late abuse having for the present driven his maj. unwillingly out of that course, he shall account it presumption for any to prescribe any time to his maj. for parliaments; the calling, continuing, and dissolving of them being always in the king's own power. And, [illegible] may shall be more inclinable to meet in parliament again, when his people shall see more clearly into his intents and actions; when such as have bred the [illegible] shall receive their condign punishment, and when that are misled by them, and such [illegible] sorts as are raised upon this occasion, shall come to a better understanding of his maj and themselves."

Occurrences from the Dissolution. [illegible] S *The Meeting of the Ne Parliament* [illegible] ...ion ended the third parliament of [illegible] Charles I. and in the same manner with the former; the last, as has been said, being resolved by the [illegible] of the Duke of Buckingham, and the [illegible] by the [illegible] Montague. While [illegible] to [illegible] the dissolution of this parliament, the [illegible] took a course [illegible] in the most eminent men, that had been against him, to become his party, and to [illegible] service [illegible] Sir Dudley [illegible] was [illegible] of [illegible] Mr. Noy, Attorney general [illegible] Let two, [illegible]

We have now a long series of years run over, without the least mention of a parliament; the king and his council having [illegible] upon a chief utmost efforts [illegible] Private [illegible]

assistance [illegible] legislature, [illegible] Th[illegible] the [illegible] to [illegible] the [illegible] resolved now to try if he [illegible] ple a taste of happiness, [illegible] quit [illegible] government. To the end, by the advice [illegible] ing first made affirm peace [illegible] ...ns of France and Spain, [illegible] and conditions than could [illegible] been h ped for. Being secured [illegible] point, many projects were [illegible] support the state' which, in a [illegible] e or be termed illegal. Supplies [illegible] state were made to supply [illegible] ...ays. [illegible] ...nages and Poundage, de[illegible] ...s, and other duties upon [illegible] ...s, and [illegible] collected by order of the [illegible] ...s, and greater impositions and upon Trade, [illegible] ...bolete laws were revived, and rigorously executed; ' By which,' says the noble historian, ' the subject might be taught how unlawfully a thing it was, by too strict a detaining of what was his, to put the king, as strictly, to enquire what was really his own.

For this purpose, in 1630, the ancient law of Knighthood was revived, by which a great sum of money was received from men of estates liable to this fine, but though in it's foundation it was right, yet the circumstances in proceeding the way, were thought very grievous. Many other projects were set on foot, some ridiculous and some scandalous, says Clarendon, but all very grievous; the envy and reproach of which came to the king, the profit to other men. Insomuch that in 2 [illegible] d[illegible] from the subject by these ways in the [illegible] ...ears, as 15 [illegible] ...ame to the king's use or [illegible] ...count. For to dispense the damage the [illegible] had sustained by the sale of the old [illegible] ...ns of new Patentees, the [illegible] ...were revived, by which, not only great [illegible] ...were imposed, but great annuities [illegible] ...ere also settled to be raised by way of contribution [illegible] ...further still mostly on [illegible] ...large estates, who [illegible] ...ordinary appearance; [illegible] ...likely to remem-

[illegible] ...the most remarkable of all these impositions [illegible] ...ere that for the [illegible] ...of Ship-Money [illegible] ...ected to [illegible] ...It was [illegible] ...as in the first spring, [illegible] ...the kingdom had been no fleet, and [illegible] ...in the [illegible] ...all necessary [illegible] ...and [illegible] ...now [illegible] ...for the [illegible] ...of war for the king's [illegible] ...ance and to [illegible] ...ample stored and [illegible] ...up, [illegible] ...ships, [illegible] ...and [illegible] ...[illegible] ...[illegible] ...[

return the same to the treasurer of the navy for his majesty's use; with direction in what manner he should proceed against such as refused.' By the way, alone, the yearly sum of 200,000*l* was raised; but, though the receipt of it was levied regularly for 4 years, yet it was, at last, found a task to levy some private gentleman's refusal to pay 20 or 30 shillings as his share. This occasioned a law suit, between the king and John Hampden, esq; which was publickly and solemnly argued, in the Exchequer-Chamber, before all the judges in England; of whom ten gave their opinions for the king's right to impose and the legality of this tax; but, as lord Clarendon again observes, the judgment proved of more credit and advantage to the gentleman condemned, than to the king's service. But, as all these Taxes and Impositions, as well as the persons concerned in advising of them, will be more largely treated on in the proceedings of the next parliament, we shall wave any further disquisition of them in this place.

In 1637, some disturbances took place in Scotland, in consequence of the introduction of the English Liturgy into that kingdom. The doctrine of John Knox had gained so fast a footing there, that all archbishop Laud's injunctions or admonitions could not remove it. The Scots began to be very tumultuous on this occasion; they petitioned the king and council against the Liturgy; and, at last, entered into a solemn League and Covenant to support their own reformed kirk. To quiet these perturbed spirits, the marquis of Hamilton was sent as the king's commissioner into Scotland; who had a conference and consultation with the Covenanters; and they, demanding a general assembly of the kirk and a parliament, and at the same time, thinking their guards, the marquis thought himself not safe amongst them, but retired to Dalkeith, and sent to the king for new instructions.

In 1638, the king consented to the desires of the Scots, and allowed of both a General Assembly of their Divines, and a Parliament; but yet the Covenanters were not satisfied, and the marquis had many parleys, backwards and forwards, to settle this affair. This year, on his return to Edinburgh, he summoned a council, to whom he delivered the king's letters, containing a Declaration for nulling the Service-Book, High Commission, Canons, &c. An assembly of divines met at Glasgow, against which the Scots bishops protested; but it did not sit long, being quickly dissolved, and the marquis of Hamilton again returned for England.—The earl of Argyle, about this time, joined the Covenanters; and the acquisition of so potent a lord gave them such spirits, that they began to arm in all parts, and even solicited France, an old ally to the Scots nation, to assist them. State-papers were dispersed in England, to vindicate their actions and intentions, which were suppressed by Proclamation.

In 1639, the king finding that nothing could reclaim his rebellious subjects, but the [illegible] enthusiastic attempt, resolved to reduce them by force; and accordingly marched with an army to the Borders, and encamped within two miles of Berwick, and in view of the Scots army. At the same time the marquis of Hamilton appeared with the English navy, at the mouth of the Firth of Edinburgh. Pressed on both straits, the Covenanters thought fit to capitulate; and the king soon granted them a pacification, on their promise to lay down their arms and prove better subjects for the future. Both the armies were disbanded, and the king returning to London, the Scots seditious papers, being disowned by the Covenanters, were publickly burnt.

The king's councils were now said to be chiefly governed by archbishop Laud and the earl of Strafford. The former had been introduced to court by the favour of the duke of Buckingham, made bishop of St. Davids, afterwards of London, and, lastly, archbishop of Canterbury. Sir Thomas Wentworth has already made a figure in these enquiries, as a private gentleman and a member of the house of commons, but will make a much greater soon, under the titles of baron Wentworth, lord-deputy of Ireland, and earl of Strafford.

The late expedition against the Scots had greatly impoverished the king's exchequer, and there being again reason to fear another insurrection in that kingdom, an army was judged necessary to be raised; but no means could be found to support it, except by the assistance of parliament.

A new Parliament called.] Accordingly, by the unanimous advice of his whole council, the king was induced to call a Parliament, and the lord Keeper was directed to issue out writs for one to meet on the 13th of April, in the year 1640, and in the 16th of this reign.—According to ancient custom, proclamation was made in the lobby of the house of commons, by order of the lord steward, the earl of Arundel, That all the members should take the usual allegiance and supremacy, before him, or else could not take their seats in the house. He also gave orders, That if there were more returned than ought to be, none should be admitted until it should be decided by the house who was duly elected: and that no earl's eldest son should be called by the title of viscount.

The King's Speech at opening the [illegible] April 13.—The three estates of the kingdom met in the house of lords, with the usual ceremonies and formalities, the king opened the session with a few words to this effect:

"My Lords and Gentlemen, There never was a King that had a more great and weighty cause to call his people together than myself. I will not trouble you with the particulars, for I have informed my lord keeper, and commanded him to speak and declare your attention."

The Lord Keeper's Speech.] Then the Lord Keeper, sir John Finch,* spake thus:

"My lords, and you the knights, citizens,

* Speaker of the house of commons during the last parliament.

and burgesses of the house of commons; You are here this day assembled by his majesty's gracious writ and royal command, to hold a parliament, the general, antient, and greatest council of this renowned kingdom. By you, as by a select choice and abstract, the whole kingdom is represented to his majesty's royal view, and in the happy union of his excellent royal person.—All of you, not only the peerless nobles and grandees, but in your persons the antient of the house of commons, every one, even the meanest of his majesty's subjects, are graciously admitted to partake and share in the honour of this council, this court, the great and weighty affairs of the king and kingdom. You are all armed with the votes and suffrages of your whole counties. I assure myself your counties are bleed[ing] to send you hither to his majesty's great court of parliament, as pillars, and so [illegible] from all [illegible]. I doubt not but every one of you should [illegible] to do it, [illegible] a business [illegible] which especially [illegible] ragement [illegible] through [illegible] a conflict [illegible] their own [illegible] you [illegible] human [illegible] execution [illegible] the lord [illegible] servants [illegible] tions [illegible] and [illegible] ture, for [illegible] yet [illegible] increase [illegible] that the [illegible] dom [illegible] Jesus [illegible] an [illegible] but [illegible] sanctu[illegible] jesty, [illegible] ter parliaments [illegible] fit preserving [illegible] gers, which [illegible] sels, might [illegible] rum of the [illegible] wisdom [illegible] ea[illegible] [illegible] wi[illegible] [illegible] [illegible] [

undoubted sovereign; and, following the wicked counsels of some Achitophels, they have seized on the trophies of honour, and invested themselves with regal power and authority: such and so many acts of disloyalty and disobedience, as (let their pretences be what they will) no true English or Christian heart but must acknowledge them to be the effects of foul and horrid treason.—The last summer his maj. at his own charge, and at the vast expence of many of his faithful and loving subjects of England, went with an army: then they took upon them the boldness to outface and brave his royal army, with another of their own raising yet, for all this, his maj.'s goodness was not lessened by that; nor could his gracious nature forget what he was to them, nor what they were to him; but considering with himself they were such, 'quos nec vincere, nec vinci gloriosum fuerit,' out of his piety and clemency he chose rather to pass by their former miscarriages, upon their humble protestations of future loyalty and obedience, than by just vengeance to punish their rebellion.—But his maj. who is ever awake for the good and safety of all his subjects, hath since too plainly discovered, that they did but prevaricate with him to divert the storm which hung over their heads, and, by gaining time to purchase to themselves more advantage, for pursuing their rebellious purposes.—For, since his maj. came from Berwick, it is come to his certain knowledge, that instead of performing that loyalty and obedience, which by the laws of God, of nature, and nations, they owe unto him, they have addressed themselves to foreign states, and treated with them to deliver themselves up to their protection and power (as by God's great providence and goodness, his gracious majesty is able to shew under the hands of the prime ring-leaders of that faction) than which nothing could be of more dangerous consequence to this and his majesty's other kingdoms. Whosoever they be that do or shall wish England ill, they may know it to be of too tough a complexion and courage, to be assailed to the face, or to be set upon at the fore-door; and therefore it is not unlikely, but they may, as in former times, find out a postern-gate.—There were heretofore two of them, Scotland and Ireland, and both of them had their several defences. Ireland, through his majesty's just and prudent government, is not only reduced from the distemper of former times, but settled in such a condition of peace; and during his majesty's happy reign, so altered and civilized, that instead of being a charge to him, as it was to his predecessors, it hath yielded to him some revenue; and his subjects there do daily give very acceptable testimonies of their loyal and dutiful affection, both to his person and government. And now lately, at the parliament assembled, they have not only, with full and free consent, made his maj. a cheerful aid towards his present preparations to reduce his disaffected subjects in Scotland to their due obedience; that they have also professed and promised, that they will be ready with their persons and estates, to the utmost of their ability, for his majesty's future Supply, as his great occasions, by the continuance of his forces against that distemper, shall require; so that the hopes of hurting England that way are quite extinct. Scotland then, only, remains; whither, as to a weak and distempered part of the body, all the rheumes and fluxes of factions and seditious humours make their way. His maj. hath taken all these and much more into his princely consideration; and to avoid so manifest and apparent a mischief, threatened to this and his other kingdoms, hath resolved, by the means of a powerful army, to reduce them to the just and modest conditions of obedience and subjection.—It is a course his maj. takes no delight in, but is forced unto it; for such is his majesty's grace and goodness to all his subjects, and such it is and will be to them, how undutiful and rebellious soever they now are; that, if they put themselves into a way of humility becoming them, his majesty's piety and clemency will soon appear to all the world: but his maj. will not endure to have his honour weighed at the common beam; nor admit any to step between him and his virtue; and therefore as he will, upon no terms, admit the mediation of any person whatsoever, so he shall judge it as high presumption in any person to offer it; and as that which he must account most dangerous to his honour, to have any conceit that the solicitation of others can, by any possibility, better incline him to his people than he is, and ever will be, out of his own grace and goodness.—The charge of such an army hath been thoroughly advised, and must needs amount to a very great sum, such as cannot be imagined to be found in his majesty's coffers; which, how empty soever, have neither yet been exhausted by annecessary triumphs or sumptuous buildings, or other magnificence whatsoever; but most of his own revenue, and whatsoever hath come from his subjects, hath been by him employed for the common good and preservation of the kingdom, and, like vapours arising out of the earth and gathered into a cloud, are fallen in sweet and refreshing showers upon the same ground. Wherefore his maj. hath now, at this time, called this parliament; that second means, under God's blessing, to avert these publick calamities threatened to all his kingdoms, by the mutinous behaviour of the Scots.—And as his majesty's predecessors have accustomed to do with your fore-fathers, so his maj. now offers you the honour of working together with himself, for the good of him and his, and for the common preservation of yourselves and your posterity.—Counsels and deliberations that tend to benefit or profit may endure disputes and debates, because they seem only accompanied with persuasions: but deliberations that tend to preservation are waited upon by necessity, and cannot endure either debate or delay; of such nature are the bleeding evils that are now to be provided against.—This summer must not be lost,

...ner any minute of time unbestowed, to re... those of Scotland; lest by protraction ... they gain time and advantage to frame ... parties with foreign states.—His maj. ... therefore desire, upon these pressing ... urgent occasions, that you will for a while ... aside all other debates, and that you ... would pass an act for such and so many Sub... as you, in your hearty affection to him ... to your common good, shall think fit and ... venient for so great an action; and withal ... that you would hasten the payment of it, as ... soon as may be; with a proviso in the act, that ... his majesty's royal assent shall not determine ... this session. And his maj. assures you all, ... that he would not have proposed any thing out ... of the ordinary way, but that such is the streit... ness of time, that unless the Subsidies be forth... with passed, it is not possible for him to put in ... order such things as must be prepared before ... great an army can be brought into the field ... —And indeed, had not his maj. upon the ... credit of his servants, and security out of his ... own estate, taken up and issued between 3 and ... 400,000l. it had not been possible for his maj. ... to have provided those things to begin with, ... which were necessary for so great an enterprize; ... and, without which we could not have secured ... ck and Carlisle, or avoided those affronts ... h the insolency of that faction might have ... put upon us, by injuring the persons and for... unes of his loyal subjects, in the Northern parts. ... —To avoid all question and dispute that may ... arise touching his majesty's taking of Tonnage ... and Poundage, his maj. hath commanded me ... to declare unto you, that he hath taken it only ... de facto; according to the example of former ... kings, from the death of their predecessors, un... til the parliament had passed an act for it ... themselves. That, in like manner, his maj. ... desires not to claim it but by grant of parlia... ...t, for this purpose his maj. hath caused a ... bill to be prepared in the same form as it passed ... to his royal father, adding only words to ... give it him, from the first of his majesty's ... reign.—This and the bill of Subsidies his maj. ... expects, for the pressing reasons before deli... vered unto you, may be dispatched with all ... speed, which his maj. commanded me to tell ... you he shall graciously accept, as the welcome ... pledges of your loving, happy, and dutiful af... fection to him, his person, and government.—... And his maj. is most graciously pleased to give ... his Royal Word, that afterwards he will ... give you time for considering of such petitions ... as you shall conceive to be for the good of the ... common-wealth; even now before you part, ... according as the season of the year, and the ... great affairs in hand will permit, and what is ... omitted, his maj. will give you time to ... ect towards winter, when your own leisure ... and conveniency may better attend it; he ... knowing well that these Subsidies can be of ... little use, without that more ample Supply ... which his maj. expects upon the happy con... ...n of this session; and therein his maj. is ... graciously pleased, according to the ancient ... ny of parliaments, to stay till your just Grie... vances be heard and redressed.—And his maj. ... assures you, that he will go along with you for ... your advantage, through all the gracious ex... pressions of a just, a pious, and gracious king, ... to the end there may be such a happy conclu... sion of this parliament, that it may be a cause ... of many more meetings with you.—I have now ... delivered what I had in command from his ma... jesty."

The King produces a Letter from several Scots Lords to the French King.] After this the king further expressed himself and said,

"My Lords, You shall see he hath spoken nothing hyperbolically, nor nothing but what I shall make good one way or other. And because he did mention a Letter, by which my subjects in Scotland did seek to draw in foreign power to aid, here is the original letter, which I shall command him to read unto you. And because it may touch a neighbour of mine, whom I will say nothing of but that which is just, God forbid I should, for my part, I think it was never accepted of by him, indeed it was a Letter to the French king, but I know not that ever he had it; for by chance, I intercepted it as it was coming unto him, and therefore I hope you will understand me right in this."

His maj. delivering the Letter to the lord keeper, his lordship began to read it, and observed as followeth. "The super-cription of the Letter is this, *Au Roy*. For the nature of this superscription, it is well known to all that know the stile of France, that it is never written by any Frenchman to any but their own king; and therefore, being directed *Au Roy*, it is to their own king; for so in effect they do, by that superscription, acknowledge."

Then his lordship read the Letter in French, which done, he added; "His majesty commanded me to read it in English to you, as it is translated from the original in French under their own hands: viz.

"Sir; Your majesty being the refuge and sanctuary of afflicted princes and states, we have found it necessary to send this gentleman, Mr. Colvil, by him to represent unto your maj. the candor and ingenuity as well of our actions and proceedings, as of our intentions; which we desire should be engraven and written to the whole world, with a beam of the sun, as well as to your maj. We most humbly beseech you therefore, to give faith and credit to him, and all he shall say on our part concerning us, and our affairs; being most assured of an assurance equal to your accustomed clemency heretofore, and so often shewed to this nation, which will not yield to any other whatsoever, the glory to be, eternally, Your majesty's most humble, obedient and affectionate Servants. Rothes, Montross, Lesley, Marre, Montgomery, Lowdon, Forester."

Then the King added; "Of these gentlemen that have set their hands to this Letter, here is one, and I believe you would think it very strange if I should not lay him fast; and there-

fore I have signed a warrant to lay him close prisoner in the Tower. My lords, I think (but that I will not say positively, because I will not say any thing here but what I am sure of) I have the gentleman, that should have carried the letter, last enough, but I know not, I may be mistaken."

And the Lord Keeper concluded "Gentlemen, You of the house of commons, his majesty's pleasure is, That you do now repair to your own house; there to make choice of your Speaker; whom his maj. will expect to be presented to him on Wednesday next, at 2 in the afternoon."

John Glanville, Esq. elected Speaker.] The commons, being returned to their house, made choice of John Glanville, esq. serjeant at law, for their Speaker; of whom lord Clarendon gives this character. "That he was a man very equal to the work, very well acquainted with the proceedings in parliament, of a quick conception, and of a ready and voluble expression, dextrous in disposing the house, and very acceptable to them."

The Speaker's Speech to the King to be excused.] April 15. About 2 in the afternoon, the king came by water, and landed at Parliament Stairs. About half an hour after, a messenger, who, by some of the privy-council, was said to be a quarter-waiter on his majesty, came and told the Speaker elect, that the king was set and staid for him. It is remarkable that the last session of parliament, Mr. Maxwell, gentleman-usher of the house of lords, omitted also to come, and it was then taken ill, being thought an undervaluing and dishonour to the house, as it appears by the Journal-Book of that session. However, upon this occasion, the Speaker commanded the waiter to tell Mr Maxwell, That it was his duty to have come and brought the Message himself: but because they would not, by any disturbance, make the King wait, the Speaker, accompanied by the house, went up at this summons. On his coming to the bar of the house of lords the Speaker made three obeysances, and then spoke as follows;

"May it please your majesty; The knights, citizens, and burgesses of your commons house of parliament, in conformity to most antient and most constant usage, the best guide in great solemnities; according to their well-known privileges, a sure warrant for their proceedings; and in obedience to your majesty's most gracious counsel and command, a duty well becoming loyal subjects; have met together in their house, and chosen a Speaker; one of themselves to be the mouth, indeed the servant, of all the rest, to steer, watchfully and prudently, in all their weighty consultations and duties; to collect, faithfully and readily, the genuine sense of a numerous assembly; to propound the same seasonably, and to mould it into apt questions, into final resolutions, and so represent them and their conclusions, their Declarations and Petitions, upon all urgent occasions, with truth, with right, with life, with lustre, and with full advantage, to your most excellent maj. With what judgment, what temper, what spirit, what elocution he ought to be endowed and qualified, that, with any hope of good success, should undergo any such employment, your maj. in your great wisdom, is sensible to discern and judge; both as it relate to your own person and most important affairs of state and government, and as it must relate to the proper business of the house of commons; which has never (in our mean, and as like, at this time, to be exceeding mighty.—Had your house of commons been as happy in their choice (as they were regular, well-warranted, and dutiful) of myself, who stand elected yet to be Speaker; and no now presented by them to your maj. for your gracious and royal approbation, I should not have needed to become troublesome to your maj. in this suit, for my releasement and discharge; which, now, in duty to your maj. and care for the good, prosperity, and success of your affairs, I hold myself obliged to make. My imperfections and disabilities are best known to myself, and to your maj. I suppose, not altogether unknown; before whom, in the course of my practice and profession, it hath been your goodness towards the meanest of your subjects, divers times to do me the honour and favour to appear and bear a part, as an ordinary pleader.

"It is a learned age wherein we live, under your majesty's most peaceful and flourishing government: and your house of commons, as it is now composed, is not only the representative body, but the abstracted quintessence of the whole commonalty, of thus your noble realm of England: there be very many wanting them, much fitter for this place than I am; few or none, in my opinion, so unfit as myself.—I most humbly beseech your maj. (as you are the father of the commonwealth and head of the whole parliament, to whom the care of all our welfare chiefly appertains) have respect to your own ends; have regard to your house of commons, have compassion upon me, the most unworthy member of that body, ready to faint with fears, before the further light upon me: let not your maj. through my defect, stand exposed to any hazard of discredit. I have only a hearty desire to serve you, very little abilities for performance.—In the fulness, therefore, of your kingly power, your piety and your goodness, be graciously pleased to command your house of commons, once more to meet together, to consult and deliberate better, about their choice of a meet Speaker; till they can agree of some such person, as may be worthy of their choosing, and of your majesty's acceptation."

The Speaker's Election confirmed by the King.] The Lord-Keeper, after directions received from his majesty, answered

"His majesty, with a gracious ear and a princely attention, hath listened to your humble and modest excuse, full of flowers of wit, of flowers of eloquence, and flowers of judgment.

Many reasons from yourself he hath taken, to approve and agree to the choice and election, made by the house of commons, but finds nothing from my thing that you have said, to dissuade him from it; since and have set forth your faculties with so much ability, you have so well deciphered and delineated the lineaments and office of a good speaker; which is rather the sense of the house in public, than it is left with ability, to summon will discover and to unfold it unto him and put questions, resolutions, and those, as occasion shall arise, to present with vigour, dexterity, and honesty, to his may. He doubts not, but [illegible] so perfect in the theorick, will [illegible] perform the practick part, and [illegible] commendation.—The king [illegible] such remembrance, your [illegible] to minute causes, wherein [illegible] himself, and upon [illegible] from [illegible] as [illegible] which you are [illegible] the public, [illegible] ears of our soul will be [illegible] and more and more alacrity [illegible] which [illegible] happy [illegible] at home and abroad in [illegible] times, [illegible] with [illegible] bring [illegible] and [illegible] in this place is your good fortune [illegible] ministered unto you, [illegible] and [illegible] and the candor and [illegible] favours those of the [illegible] commons in all which his majesty hath [illegible] and it hath [illegible] discharge yourself, is [illegible] to [illegible] favours, and because [illegible] you, that [illegible] of [illegible] may report in this [illegible] and that in [illegible] kingdom, by [illegible] and clear, and candid service, may receive [illegible] that may be commendable unto all. His majesty then, therefore, doth approve and confirm the [illegible] of the house of commons, and ratifies [illegible] Speaker."

The Speaker's Reply to the King's Confirmation.] Then the Speaker addressed himself again to his majesty:

"Most Gracious Sovereign; My profession hath taught me, that from the highest judge in [illegible] is not objustice, there is with no Writ of [illegible], no appeal. Your majesty in full parliament hath been pleased, by the mouth of the Lord Keeper, to declare your royal judgment in a manner of the election of your house of commons, and [illegible] by Him become their Speaker, and their [illegible]. What is there therefore [illegible] but me? But in the first place devoutly to [illegible] Almighty God, the Author and Finisher of all good works, to enable me, by his blessing, to this employ, honestly and effectually, [illegible] task, so great a trust.—And, in the next place, humbly to acknowledge, as I [illegible] great grace and favour, that is done [illegible] your majesty, and readily to conform [illegible] to your good pleasure and command, [illegible] which I am submit with all possible chearfulness; lest else my too much diffidence to undertake the service might add a further disadvantage to my performance, than peradventure would arise out of my other imperfections.—Two enemies I might fear, the common enemies of such service, I speak not and Jealousy: I can not nor dare of the former, and I condemn the latter. I pray that such truth, shall let the whole world see and know, that I am, and will be [illegible] as royal [illegible] realms to serve [illegible] king, and [illegible] us in service [illegible] monarchy, royal and hereditary, of all sorts of government the most [illegible] and excellent, whether we regard the glory, the wealth [illegible] the safety of the [illegible] of both. And I [illegible] my duty and [illegible] solutions [illegible] such [illegible] [illegible] to this [illegible] them, [illegible] assist your [illegible] [illegible] to [illegible] [illegible] all times, [illegible] and [illegible] pressures, and [illegible] parliament, are in the [illegible] glory.

I remember well, I heard [illegible] most [illegible] at [illegible] speak to that purpose [illegible] general, [illegible] upon that [illegible] from [illegible] become your [illegible] and rightful inheritance [illegible] peace and safety [illegible] after [illegible] peaceful [illegible] to all [illegible] and [illegible] subjects, [illegible] this desire,

"Sensi [illegible]"

"Lætus [illegible]"

England is your [illegible] province [illegible] God open all our eyes and understandings, to discern and value the [illegible] we enjoy, by your majesty's [illegible] and unmeasurable increase of [illegible] to all the parts of those [illegible] Kingdoms!—Scotland is [illegible] place and therein hath advantage of [illegible] God make them, and keep them [illegible] and worthy of that [illegible] [illegible] a-pace to imitate England, in [illegible] and quick progression in civility of manners and conversation, by many salubrious plantations and improvements of the soil, by their receiving and enacting of the more wholesome laws and statutes of this kingdom, and by many other good effects and fruits of peace and blessed government.—France is still in attendant to your royal side and [illegible]. The prerogative of a king is as necessary as it is great; without it, he would want that power and majesty which is, and ought to be, inseparable from the crown and sceptre. Nor can there

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any danger result, from such prerogative in the king, to the liberty of the subject; so long as both of them admit the temperament of law and justice especially under such a king as your maj. who, to your immortal glory, among your printed laws, have published this to the whole world for your maxim, 'The Liberty of the people strengthens the king's prerogative, and the king's prerogative is to defend the people's liberty,' (p 409). A maxim like 'Apples of gold in pictures of silver"—Kings, as they are kings, are never said to err, only the best may be abused by misinformation The highest point of prerogative is, 'The King can do no wrong.' It therefore, by the subtilty of misinformers, by the specious false pretences of public good, by cunning and close contrivance of their ways to seduce; the sacred royal person shall, at any time, be circumvented or surprized, or over-wrought and drawn to command things contrary to law, and that the same be done accordingly these commands will be void, and the king innocent, even in his very person, being defended by his prerogative nevertheless the authors of such misinformations, and actors in those abuses, will stand liable and exposed to strict examination and just censure, as having nothing to defend themselves but the colour of a void command, made void by just prerogative, and by the fundamental and true reason of state and monarchy: and what difference is there, or can be in law, between a void command, and no command at all?—If Religion, Justice, and Mercy, all happily assembled and graciously lodged together in your royal breast, may give to your well-affected subjects a good hope of the good success of this parl., I know not why we should not, all of us, expect it with much confidence. Some few particulars, pertaining to these general heads, I humbly beg of your maj that, without offence to your sacred ears, I may have leave to mention and observe, for the further comfort of myself and all that bear me —What prince of this land was ever known to keep the hours and times set for prayer, and for the service of Almighty God, with that regularity and constancy as your majesty? Nay more, have you not ever since your access to the crown, had one day in every week, besides the Lord's day, dedicated and applied to preaching and devotion? I may not stay here, there is another particular equalling, nay much excelling both the former: and that is your majesty's great care to educate those pledges of conjugal and most abundant mutual love, that is between your majesty and your most gracious consort, the best queen and woman, and the foundation of our future hopes, the most illustrious prince Charles, and the rest of your royal progeny, in the true religion of Almighty God, publickly professed and by law established in this kingdom what tongue is able to express the great joy and comfort, which all your majesty's most loyal and loving subjects do derive unto themselves, in contemplating your majesty's pious piety and prudence in this one act expressed, extending itself not only to the present time, but to the good of succession in all after-ages?—Touching Justice, there is not any more certain sign to discern an equal judge, than by his patience to be well informed before he give his sentence; and I may boldly say all your judges, throughout all your kingdoms, may take example by your majesty, and learn their duty from your practice in this kind. I myself have often been witness of it to my no little admiration and content. From your patient hearing, let me pass on to your righteous judgment; and therein bring but one instance, but it shall be a great one When your lords and your people, in your last parliament, presented to your majesty a Petition, concerning divers Rights and Liberties of your subjects; the Petition being of no small weight and importance, as by the same may well appear, your maj after meet deliberation, in few but effectual words, (soit droit fait comme il est desiré) made them such an Answer, as shall renown you for just judgment, in this age and to all posterity,—I make haste to come to your Mercy, whereof I cannot but have need again and again, before I have finished that service to which I am enjoined; and am not, altogether, in despair of obtaining it nevertheless the Mercy, which I mean to celebrate, is not only concerning single or particular persons, but whole nations; that unexampled mercy and clemency, which (in your royal wisdom and abundant goodness, happily met together) your maj. vouchsafed to shew to us and all your kingdom, in not drawing your sword of justice, the last summer, against your people of Scotland, though your armies were much the better and the stronger. —It seems your majesty remembered, with more tenderness of heart than they do, that they were christians and your subjects, and that your power was posse & nolle nobile. Whatsoever might be the rule that inclined you to mercy, I am sure the benefit redounds to us and ours; who, by this means, are still in peace and tranquility, not without good hope of long continuance a blessing peradventure undervalued by us, we have had so much of it, under your majesty's most gracious father's royal government.—I have yet no instructions from your house of commons, therefore can propound nothing as by warrant from them; but, if I may have leave to present to your majesty my own most humble and most hearty wishes and desires, they be directed to Religion, and Chivalry, Commerce, Justice, and Unity.—That this parliament may be famous for the care and contentment of God's true Religion in this world and that to come, and to that purpose, that the most reverend prelates, your majesty's archbishops and bishops, sitting on the right hand of your throne, will be therein most forward, to whom it is most proper—That the lords temporal, girt with their swords in their creation, as more specially rewarded, or designed for actions military, would still be mindful of most noble and most

valiant of their ancestors, whose lands and honours they inherit; and how famous this land hath been at home and abroad, for it cds of arms and acts of Chivalry; and to labour to restore it, by all means, to its antient glory. The best way to preserve peace is to be ready prepared and well fitted for war. That your majesty would be pleased to command, that your grave and reverend judges, whose observations should exceed all other men's, though they be but assistants in this service, to contribute the best and utmost they can, to explain, to execute, to advance our good old laws; and to propound such things for the enacting of wholsome and plain new statutes, that every subject of this realm may be enabled to know and understand himself clearly, both what he hath to do, and what he may possess, and what not. There are no considerable mines royal in this kingdom: trade and commerce, the exportation of our wools in manufactures, and native commodities, is that which furnisheth us with gold and silver, the materials of our monies; and hath the only power to enable us to supply your majesty, for the defending of ourselves, and offending of others. That merchants and tradesmen, therefore, should have all meet encouragement, is a most special interest of this island.—But, were we never so valiant, never so wealthy, if love and unity be not amongst us, what good will our wealth do to ourselves, or to your majesty? He that commands a heart to live, he, and he only, commands, assuredly, the purse to pay, and the hands to fight. I pray God, therefore, that we may all endeavour to knit such a knot of true affection, betwixt the head and members; that all jesuited foreign states, who look perchance with envious and malignant eyes upon us, and would be glad to rejoice in our divisions, may see themselves lost and defeated of all their subtle plots and combinations, and of all their wicked hopes and expectations to render us, if their endeavours might prevail, a people inconsiderable at home, and contemptible abroad.—Religion teacheth us, 'Si Deus nobiscum, quis contra nos?' And experience, I hope, will teach us, 'Si sumus inseparables sumus insuperables.' It was want to be, and I hope it ever will be, the tenet and motion of your house of commons, That the good of the king and of the people cannot be severed: and cursed be every one that shall go about to divide them.—I fear I have ventured too far on your royal patience though yet I confess I never knew it wearied; nevertheless I will here conclude. Only first beseech your gracious majesty, in the name and right of the whole house of commons, that, in your justice, you would be pleased to grant and confirm to them, for their better encouragement to proceed in their great business, these their antient and just liberties, which, time out of mind, they have rightfully enjoyed."

The Speaker then made the usual requests for privilege, &c. which being all granted and confirmed, the Parliament [illegible] house, and, the[illegible] according to custom, adjourned [illegible] ing, 8 of the clock. The [illegible] ur was to meet at 8 in the [illegible] committees, or in[illegible] ided, might have [illegible] reparation and dispatch."

April [illegible] quainted the [illegible] of the Scots [illegible] ed two days before, in [illegible], That he had the king's [illegible] recourse to the house, whose [illegible] was delivered by himself and the lord keeper, in the queen's [illegible]. A motion was made [illegible] conference with the lords about [illegible], which was agreed to.

April 17. The commons began with regulating their [illegible]. Whether which the Speaker made a report of the speeches delivered by the king and the lord keeper, which was ordered to be entered in their Journals, but with this proviso, That it was done by his majesty's special command, and that this should be no precedent to following Speakers, but upon the like special command in desire of the house.—In this recapitulation of the foregoing speeches, the affronts and indignities offered by the king's Scots subjects, as also their palpable practising of treason with the French king, were [illegible], but no notice was taken of them in the house. Instead of that they fell, again, upon Grievances and the following Plan was proposed as a rule to go by. 1. Against the Liberty of Parliament, 2. Against the Preservation of Religion; 3. Against the Conservation of the common Liberties of the kingdom. These Grievances being accounted [illegible] to the king, both in point of honour and profit and safety, than to any other member whatsoever, in respect of the [illegible] in the kingdom.

Debates on Petitions against Ship-Money and Counties relating to Grievances.] Petitions from the counties of Northumberland, Middlesex and Sussex, were delivered to the house by the respective knights of those several shires, complaining of divers Grievances, which were postponed till the third of the month, by a committee of the whole house, [illegible] next morning.

April 18. Two more Petitions were delivered, [illegible] of Essex and Hertford, in [illegible] as the former. The last [illegible] against Ship-Money, Pro[illegible], Knighthood, the Star-Chamber, High-Commission [illegible] and other Grievances to the people, both in church and state. Other Petitions to the like purpose, being received [illegible].

[illegible] *Harrison's Grievance* stood up, and [illegible] to the effect following: "Mr Speaker, [illegible] his maj. to consult together [illegible] weighty affairs of the state [illegible] kingdom. There hath now a grant and [illegible] been prosecuted to this house, [illegible] Letter hath been read, importing according to the interpretation which hath been [illegible] strong direction to the king's ma-

toral subjects This is a great cause, and very worthy of the consideration and advisement of this great council: but, I am very much mistaken, if there be not a case here at home of as great danger as that which I already put. The one stands without in the back-door, for so dangers from thence in all our histories have ever been termed, but the case we will put, is a case already upon our backs And in these great cases of danger, which so much concern the welfare of the body politick, we ought to do like skilful physicians, that are not led in their judgments so much by outward expressions of a sick case, as by the inward symptoms and cause of it, for it fares with a body politick as it doth with a natural body It is impossible to cure an ulcerous body, unless you first cleanse the veins, and purge the body from the obstructions and pestilent humours that surcharge nature; and, that being once done, the blotches, blanes, and scabs, which grow upon the superficies and outside of the body, will dry up, shed, and fall away of themselves The danger that hath now been presented to the house, it standeth at a distance; and we heartily wish it was further off: yet, as it stands it a distance, it is so much the less dangerous But the case I shall put, is a case of greater danger here at home; and is so much the more dangerous, because it is homebred, and runs in the veins. If the one shall appear to be as great a danger as the other, we hope it will not be thought unseasonable at this time, to put the one as well as the other —Mr Speaker, The case is this, the charter of our liberties, called Magna Charta, was granted unto us by king John, which was but a renovation and restitution of the antient laws of this kingdom This charter was afterwards, in the succession of several ages, confirmed unto us above 30 several times; and in the 3rd year of his majesty's reign that now is, we had more than a confirmation of it; for we had an act declaratory passed and then, to put it out of all question and dispute for the future, his maj. by his gracious Answer, 'Soit Droit fait comme il est desiré,' invested it with the title of Petition of Right. What expositions contrary to that law of right, have some men given to the undermining the liberty of the subject, with new-invented subtile distinctions, and assuming to themselves a power, I know not where they had it, out of parliament, to supercede, annihilate, and make void the laws of the kingdom? The commou-wealth hath been miserably torn and unsascred, all property and liberty shaken, the church distracted, the gospel and professors of it persecuted, and the whole nation over-run with swarms of projecting canker-worms and caterpillars, the worst of all the Egyptian plagues: then, as the case now stands with us, I conceive there are two points very considerable in it The first is, What hath been done any way to impeach the liberties of the subject, contrary to the Petition of Right? The second is, Who have been the authors and causes of it?—The serious examination and discussion of these two questions do highly concern his maj in point of booour, and his subjects in point of interest: and all that I shall say to it, are but the words that Ezra used to king Artaxerxes of the settlement of that state, which at that time was as much out of frame and order, as ours at this present, that which cured theirs, I hope will cure ours: his words are these, 'Whosoever hath not done the laws of God and the king, let judgment be speedily executed upon him, whether it be unto banishment, or to confiscation of goods, or to imprisonment.' It may be, some do think this a strange text, and it is possible some may think it as strange a case as for the text, every man may read it that will, and, for the case, I am afraid there are but few here, that do not, experimentally, know it as bad as I have put it; and how to mend a bad case, I take it, is part of the business we now meet about —His maj. yesterday did graciously confirm unto us, our great and antient liberties of freedom of speech; and having his kingly word for it, I shall rest as confidently upon it, as the greatest security under Heaven, whilst I have the honour to have a place here, and I shall, with all humility, be bold to express myself like a freeman, —The diseases and distempers, that now are in our bodies politic, are grown to that height, that they pray for and importune a cure, And his maj out of his tender care and affection to his people, like a nursing father, hath now freely offered himself to hear our Grievances and complaints We cannot complain we want good laws for the wit of man cannot invent better than are already made. them want only some examples, that such as have been the authors and causes of all our miseries and distractions in church and commonwealth, contrary to these good laws, might be treacle to expel the poison of mischief out of others, But my part is only ostendere partem; therefore, having put the case, I must leave it to the judgment of this house, Whether our dangers here at home, be not as great and considerable, as that which was even now presented.'

Sir *Benj. Rudyard.* 'There is a great door opened unto us of doing good, if we take the advantage thereof we are here met, by the blessing of God and our king Parliaments have of late days become unfortunate; it is our duty, by our good temper and carriage, to restore them to their antient lustre There be some here present who can remember the breaking up of the last parliament; a business certainly from which the Papists at that time were not exempt; who now, by the discountenance and boldoess, that they contend with us, who are the better subjects. Their envy I like, but their presumption is not to be borne. I wish them no harm, but good; for I desire their conviction: and the way to do that, is to set up heaven-lights who have warmth in them, and are not luke-warm in religion. Surely

known, which is the privilege of dying men; and to be heard before condemnation, is not denied to private persons. 3 That the Judges presumed to question the proceedings of this house, it is against nature and order, that inferior courts should undertake to regulate superior. The court of parliament is a court of the highest jurisdiction, and cannot be censured by any other law or sentence, but by its own. 4 The several imprisonments of divers gentlemen, for speaking freely in parliament. 5. That inferior courts should be informed to punish acts done in this court, whereby divers members of the house were so kept in prison, till they had put in security for their good behaviour, and some of them died in prison, or ere they were delivered until writs came for this parliament. Lastly, which I conceive to be the greatest, That the parliament was punished, without being suffered to make its own defence. I call the dissolution of the parliament a punishment, and justly, the breaking of a parliament is death to every subject.—But it is to be observed, that in this and the other grievances, though the king be no party, for his highness's prerogative is not to do no wrong, yet none of the subscriptions to state affairs and the inverting the ancient courses of magistracy, but by the counsel and advice of themselves and their body, but wholesomeness to many, but by the ill distemper in the inferior bodies, must have issued from them.—The next sort is Grievances in Religion. Wherein those that concern the Romish Religion. Wherein I will first observe, the great encouragement which is given to them of the popish religion, by an universal suspension of all laws that are against them, and some of them admitted into public place of trust and power.—I desire not to have any new laws made against them, God be thanked, we have enough; nor a strict execution of the old ones, but only so far forth, as tends to the safety of his majesty, and such a practice of them, that that religion which can brook no rival, may not be the destruction of ours, by being too concurrent with it. There is an attention of a minute from the pope, who is to be here, to give secret intelligence to Rome, how we incline here, and what will be thought fit to write us thither.—I observe in a great Grievance, there are divers innovations in Religion amongst ourselves, to make us more capable of a transaction, to which purpose popish books have been published in print, disputations of popish points are and have been used in the universities and elsewhere with privilege, preached in the pulpit, and maintained the grand doctrine, whereby popish tenets are instilled.—The introducing of popish ceremonies, as altars, bowing towards the east, pictures, crosses, crucifixes, and the like; which, of themselves considered, are so many dry bones, but being put together, make the man. We are not now contented with the old ceremonies, since in such as the constitution of the reformed Religion hath continued unto us, but we inflict severe censures against many of the ancient superstitious and inform ceremonies, which accompanied the most decrepit age of popery, bowing to the altar, and the like.—I shall observe the daily discouraging of all godly men, who truly profess the protestant religion, as though men could be too religious. Same things are urged by ecclesiastical men, without any ground for any canon or ancient constitution, nay without any command from the king, either under his great seal, or by proclamation. The parliament, ever since queen Elizabeth's time, desired the bishops to deal moderately; but how they have answered those desires we all know, and these good men for the most part feel.—I may not forget, that many of the ministers are deprived, for refusing to read a book for sports and recreations upon the Sabbath, which was a decree of their own heads; which book, I may affirm, hath many things faulty in it.—Then the encroaching upon the king's authority by ecclesiastical courts, as namely the high commission, which takes upon it to fine and imprison men; enforcing them to take the oath ex officio, with many of the like usurpations, which are punishments belonging only to temporal jurisdiction, and hath been resolved, in the time of king James, that the statute of 1 Eliz. c. 1. gives them such power; moreover, the power which they claim, they derive not from the king, nor from any law or statute; but they will immediately have it from heaven, Jure Divino. Divers particular ordinaries, chancellors, archdeacons, take upon them to make and ordain constitutions within their particular limits. All these things are true, to the knowledge of most that hear me.—I now come to the general head of Guarancus, which is the grievances belonging to the Customs, and are in civil matters the heads thereof are too many. The taking of Tonnage and Poundage, and divers others impositions, without any grant or law to do so, is a great grievance. There are divers ancient customs due to the king, but these are certain what they are, and are due by prescription; these customs being too narrow for his service, and the affections of the people growing stronger and stronger to their prince, Tonnage and Poundage were granted for years to the king; and afterwards, by his house, granted for life, but never were taken by the king's own hand without a parliament; for doing which, there is no precedent, unless in a year or two in the latter end of queen Eliz.—In the next place of these grievances, I rank Knighthood, the original whereof was, that persons fit for chivalry might be advanced; but this, after, was stretched for another end, for money; and extended not only to terre-tenants, but to lessees and merchants, who were first to appear, and then to plead for themselves at the council-board; but were delayed from day to day, to their great charge and inconvenience; and, notwithstanding the just defence they have made for themselves, there have been infinite distresses laid upon them until the fines were paid, which

were imposed, not by courts, but by commissioners assigned for that purpose; and thus being a continuing offence, they are by the same rule, as he is now to times, as ever — Monopolies, and inundations of them, whereby [illegible] when is laid not only upon foreign, but upon native commodities; as soap, salt, drink, &c. — particulars wherein are but for the commutation of grievances.—Ship-Money and although [illegible] be a judgment given for it, yet I dare be bold to say it is against all former precedents and laws, and not one judgment that ever maintained it. This is a grievance that all are grieved at, having no limits either for time or proportion: if therefore any shall endeavour to defend this, he must know, that both his reputation and conscience lye at stake in the defence.—The enlarging the Bounds of the Forest. Though our ancestors were hereto questioned for the same thing, yet upon satisfaction in all the objections that were, or could be made, they then saved themselves, yet now the same things are turned upon us.—The Sale of public Nusances, for so they are pretended to be. Many great nusances have been complained of but when there hath been money given, and compositions made, then they are no more nusances; such as buildings and populations.—Military Charges and Impositions upon Counties, by letters only from the council table; whereby soldiers conduct-money and coats are to be provided at the country's charge, and horses also provided without ground of law: many things as this [illegible] by deputy-lieutenants of their own accord.—Extrajudicial Judgments and Opinions of the Judges, without any cause before them, whereby they have anticipated the judgment, both in land and plea, and encouraged [illegible] part of their remedies, in that no writ of error lies, but only upon the [illegible] proceedings.—The next sort of Grievances is, that the great courts do countenance these oppressions, as I may instance in the court of [illegible] in which [illegible] and countenance [illegible] was shewed to the [illegible] of the [illegible] and in [illegible] Court [illegible] to [illegible] upon [illegible] in their being put in against [illegible] taking [illegible] more upon writs of Ship-Money. [illegible] for [illegible] & [illegible] [illegible] [illegible] them is the greatest [illegible] and last [illegible] Court, [illegible] to the petition [illegible] by one in this house the last [illegible] now, if these [illegible] should [illegible] below themselves, [illegible] plot, projects and monopolies, we shall [illegible] of that surely it is much beneath dignity. this is a great grievance, but I [illegible] higher. I know the king hath a transpower in many cases, whereby, he [illegible] proclamation, guard against sudden [illegible] but that this power should be applied to countenance Monopolies (the projectors being not contented with their grants, grants without proclamation) is without precedent. But yet I must go higher than this. It hath been in the pulpit applied, and also published in books and disputations, asserting a power unlimited in the king, that [illegible] whatsoever [illegible] This Grievance was complained of in the last parliament, in the case of Dr. Manwaring, who, for maintaining that opinion in a sermon, "That a subject had no property in his goods, but that all was at the king's pleasure," made his submission upon his knees in the place; and was then by ought [illegible] that I thought he would not have leaped so soon into a bishoprick (Sect. p. 430.)—I have, by this time, wearied you as well as myself; but I am come to the last Grievance, which is the fountain of all these, and that is the Intermission of Parliament; whereas by the statutes, not repealed nor expired a parliament ought to be held once in a year. These Grievances are as prejudicial to his maj. as to the commonwealth. The breach of parliaments is much prejudicial, for by these means the great union and love, which should be kept and communicated betwixt the king and his subjects, is interrupted: they cannot make known their Petitions, nor the king his wants, to have supplies. Where the intercourse of love is, betwixt the head and the members is hindred, the body prospers not. If parliaments had been more frequent, the king would have had more Supplies. By our Grievances in Religion, the king's party abroad is much weakened; and that great part of his adherents do forsake us, for that they think we are forsaking our religion. Many of the king's subjects, for that they cannot be quiet in things indifferent, and know not where they shall have an end of them, have deported themselves with their goods, estates, and [illegible] The removal of men deserving, and employment of great integrity and merit, hath much weakened and discouraged us. There are but a few now that apply themselves either to travell or to discourse well, finding that [illegible] more to be the easier way to attain preferment and extraordinaries. The not observing of [illegible], but countenancing of [illegible] and such like, breed jealousies in the minds of many, and may prepare a way for distempers, though (I hope) not in God, as yet there hath been none, our religion being preserved us. But if any thing but well should happen, one summer's distempers would need great change, and more than all unlawful courses could recompence. We know how unfortunate Henry 3. and other princes have been, by the [illegible] of such [illegible] of their laws. I pray God that we never see such times. We are not content to multiply Impositions upon merchants Goods, which are exported and imported into the kingdom but now there is a roving mischief in plotting for an imposition upon such goods as never see England, but are conveyed from France to Spain, or the like, by English merchants. A course before that [illegible] never heard of; such illegal

[illegible] accounted for to the king; [illegible] things will soon be discovered, if not accounted for. Besides, in monopolies and such like, the third part comes not to his majesty's coffers, as to instance in that of Wines. The king hath only 30,000*l* per ann. upon them, whereas the Wines, in the gains by the patent, come to 80,000*l* at the first, from the time of their arrival, and, being drawn, come to 240,000*l* per ann. and the same proportion holds in all other monopolies: hereby it appears, how much the subject is damnified, and how little the king has. — I come now to the last thing, the Remedy of these Grievances; which is thus. I advise to present them to the lords, that they may join with us to go to the king, and pray that the Grievances, being clear in fact, may be voided. If any thing, in the vote, be stuck upon, that it may be debated, and drawn according to the course of the house, into a Remonstrance, with an humble Petition of both houses for redress. And I hope the wisdom in this house will prepare such a remedy, as will make the king a great king, and the people happy."

After these Speeches the house came to a Resolution, and it was ordered, "That the Records and Proceedings in the Star-Chamber and King's Bench, that concernèd several members of this house in the last parliament, should be sent for immediately, viz. sir John Eliot, Mr Strode, Mr. Selden, Mr Valentine, Mr Holles, sir P. Hayman and others therein mentioned, after the last parliament, for any passages done in that parliament.—Ordered also, "That the records, indictments, judgments, and proceedings in the exchequer, and all other courts whatsoever concerning Ship-money, should be sent for" and warrants issued to the Speaker, directed to the officers of the several courts, for all these matters were issued accordingly.

Mr. Secretary Windebank, from the committee on the Fast, delivered in a paper, agreed on by them, for a conference with the lords about it; which was read, importing, "That the knights, citizens and burgesses of the house of commons, taking into consideration the great and weighty affairs now in agitation, in both houses of parliament, concerning the welfare of the king and the whole kingdom, and believing the principal way and means to attain to a happy and prosperous conclusion of the same, is, to beg the divine assistance and direction of Almighty God in all their consultations, by one solemn humiliation by Fasting and Prayer to his heavenly Majesty; they have commanded us to acquaint your lordships, that you will be pleased to join with them, to move his maj. for his gracious allowance of so pious a work to both their houses of parliament; and also that he would be pleased to grant and appoint a day for a Fast [illegible] out the whole kingdom."—The lords [illegible] this proposal, and Saturday, the 2d of [illegible] was appointed for this solemnity, but a [illegible] grieving contest between the king and [illegible] ment, about that time, the Fast was put off [illegible] another day; which never came in this [illegible] nament.

The Behaviour of the late Speaker cen [illegible] April 30. Mr. Treasurer, (sir H. Vane, [illegible] ported from the committee for stating the [illegible] of the violation of the Privilege of the [illegible] the last day of the last parliament; That [illegible] was helped by two members notes, taken [illegible] that time, in this manner:—"That [illegible] Speaker being pressed, he answered, [illegible] was the servant of the house, but let not [illegible] remain at no service he is in here." The reason [illegible] he left the chair was, not to disobey [illegible] house, but obey his majesty. "I will not [illegible] I will not put the question, but I say, I do [illegible] not." That the Speaker, as soon as he was [illegible] his chair, declared the King's pleasure; "That the house should be adjourned for [illegible] hour. That the writs were intended to [illegible] the chair, and to put no question, but to [illegible] upon his majesty's pleasure." And, being pressed [illegible] answer to the question [illegible] "I was commanded by the king to say [illegible] That the question was not to be put." That the question was to be the Lord's day in the Dedication put to the vote?" On which [illegible] moved [illegible] That the chair be [illegible] to issue out the writs for [illegible] this house [illegible] the last parliament [illegible] that the [illegible] chair, he [illegible] upon his peril." After [illegible] and [illegible] was resolved, "That it is the opinion of this house, that the Speaker [illegible] the question, after verbal command [illegible] to the house [illegible] Speaker [illegible] and no adjournment [illegible] house, is a breach of the [illegible] of this house."

Of the Speech that was Spoken. April 30. Sir H. Vane delivered a Message from the King to the lords, "That it was his desire they should attend him, at [illegible] in the banqueting house, Whitehall." Accordingly the Speaker, attended by the whole house, went up in the afternoon, to Whitehall where, meeting with the lords, the King being present, the lord keeper addressed himself to both Houses as follows:

"My lords and gentlemen, You may well remember, upon the beginning of this parliament, his maj. commanded me to deliver unto you the causes of calling of it; which was, for the assistance and Supply of his majesty in so great weighty, and important affairs, as ever king of England had to require at his subjects hands. I am now to put you in mind what I then said unto you, and withal to let you know, that such and so great are his majesty's occasions at this time, that if the Supply be not speedy,

no use at all: for the army is now
n doth stand his maj at least in
outh, and it there be not means
this as is fitting, his majesty's
and the realm all cast away
and much Supply for the per-
that his majesty doth now
such a Supply, as with
could be lost, and the de-
hunt upon those weighty
the infinite good of the
nation of you all.—I be-
I give you scope and li-
just Grievances unto him,
them with a gracious ear
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like such a king, as every true English heart desireth their king should be.—Be masters of your own way; settle it so secure, that it may never come to the least benefit and advantage to himself; but for the common good, and those necessary ends wherein you shall all share in; your plenty, peace, honour, and whatsoever any Englishman can glory in.—His maj. commands me to tell you, you shall propound nothing wherein you may receive all security for the property of your goods, nor nothing for securing your own liberties, wherein he will not most readily listen unto you; and be as willing to grant, as you to ask. His maj. doth now offer unto you the Reasons, occasions, and the way to make this the most blessed and most happy parliament that ever was, and that it may produce such effects, that the king may delight to be his people, and the people in their king. And he layeth before you not only the counsel to do so, but he will tell you the way; and that is, by putting an obligation of trust and confidance upon him, which shall more secure you, than all that you can invent, or fears, or jealousies, can imagine to be provided for. It is a course that good manners, duty and reason, should require of you to take into consideration."

Debate on the Lord Keeper's Speech.] April 22. The consideration of the lord keeper's last Speech was ordered to be referred to the next day at which time, as Rushworth informs us, Mr. Edmund Waller rose, and spoke to this effect. 'I will use no preface, as they do who prepare men for something in which they have a particular interest. I will only propose what I conceive fit for the house to consider; and shall be no more concerned in the event than they that shall hear me. Two things I observe in his majesty's demands. 1. The Supply. 2. Your speedy dispatch thereof. Touching the 1st, his majesty's occasions for money are but too evident; for, to say nothing how we are neglected abroad, and distracted at home, the calling of this parliament, and our sitting here, (an effect, which no light cause in these times hath produced) is enough to make any reasonable man believe, that the exchequer abounds not so much with money, as the state doth on occasions to use it: and I hope we shall appear willing to disprove those, who have thought to dissuade his maj. from this way of parliaments, as uncertain; and to let him see that it is as ready, and more safe for the advancement of his affairs, than any new or pretended aid way whatsoever.—For the speedy Dispatch required, which was the second thing, not only his majesty, but reasons loquitur. the occasion seems so importune no less, necessity is come upon us like an armed man.—The use of parliaments heretofore, as appears by the writs that call us hither, was to advise with his maj. of things concerning the church and common-wealth. And it hath ever been the custom of parliaments, by good and wholesome laws, to refresh the common-wealth in general; yea, and to descend into the remedies of particular Grievances, before any mention made of a Supply. Look back upon the best parliaments, and still you shall find, that the last acts are for the free gifts of Subsidies on the people's part, and general pardons on the king's part: even the wisest kings have first acquainted their parliaments with their designs and the reasons thereof; and then demanded the assistance both of their counsel and purses. But physicians, though they be called of the latest, must not stomach it, or talk what might have been, but apply themselves roundly to the cure. let us not stand too nicely upon circumstances, nor too rigidly postpone the matter of Supply to the healing of our lighter wounds. let us do what possibly may be done, with reason and honesty on our part, to comply with his majesty's desires, and to prevent the imminent evils that threaten us. Consider that they who think themselves already undone, can never apprehend themselves in danger; and they that have nothing left can never give freely, nor shall we ever discharge the trust of those that sent us hither, or make them believe that they contribute to their own defence and safety, unless his maj. be pleased first to restore them to the Property of their Goods and lawful Liberties, whereof they esteem themselves now out of possession. One need not tell you that Property of Goods is the mother of courage, and the nurse of industry; it makes us valiant in war, and industrious in peace. The experience I have of former parliaments, and my present observation of the care the country has had to chuse persons of worth and courage, make me think this house like the Spartans, whose forward valour required some softer musick to allay and quiet their spirits, too much moved with the sound of martial instruments. 'Tis not the fear of imprisonment, or, if need be, of death itself, can keep a true-hearted Englishman from the care to leave this part of his inheritance, as entire to his posterity, as he received it from his ancestors.—This therefore let us first do, and that speedily, that we may come to the matter of Supply. Let us give new force to the old laws, which have been heretofore for the maintaining of our rights and privileges, and endeavour to restore this nation to its fundamental and vital liberties, the Property of our Goods, and the Freedom of our Persons, no way doubting but that we shall find his majesty as gracious and ready, as any of his royal progenitors have been, to grant our just desires therein; for not only the people do think, but the wisest do know, that what we have suffered in this long vacancy of parliaments, we have suffered from his ministers; that the person of no king was ever better beloved of his people; and yet that no people were ever less satisfied with the present ways of levying money. These are two truths which may serve, the one to demonstrate the other; for such is the opposition to the present courses, that neither the admonitions, the fears of his majesty's natural inclination to justice and clemency, nor the pre-

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ended consent of the judges, could make them willingly submit themselves to this late tax of Ship-Money and such is their natural love and just esteem of his majesty's goodness, that no late pressure could provoke them, nor any example invite them to disloyalty or disobedience what is it then that hath bred this misunderstanding betwixt the king and his people? How is it that, having so good a king, we have so much to complain of? Why, Mr Speaker, we are told of the son of Solomon, that he was a prince of a tender heart; and yet, by the advice of violent counsellors, how rough an answer he gave to his people, 'That his fingers should be as heavy as his father's loyns:' this was not his own, but the vaine of some persons about him, that wanted the gravity and moderation requisite for the counsellors of a young king.—I love not to press allegories too far, but the resemblance of Job's story with ours, holds so well that I cannot but observe it unto you it pleased God to give his enemy leave to afflict him more than once or twice, and to take all that he had from him; and yet he was not provoked so much as to revile with his tongue, although he had no very example of one that lay very near him, and felt not one half that he suffered. I hope his majesty will imitate God in the benigner part too; he was severe to Job, only while he discoursed with another concerning him; but when he vouchsafed to speak himself to him, he came to rebuke those who had mistaken and misjudged his case; and to restore the patient man to his former prosperity so, now his majesty hath admitted us to his presence, and spoken face to face with us, I doubt not but we shall see future days, be restored again to the possession of our property and liberty, and that his majesty will frown upon those who have given the ill counsel.—I wonder at those that seem to doubt the success of this parliament, or that the misunderstanding between the king and his people should last any longer, when now they are both happily met. His majesty's wants are very great, but that we may find means to supply him, nor our desires so unreasonable or incompatible with government, but that his majesty might well satisfy them. for our late experience, I hope, will teach us what rocks to shun, and how necessary the use of moderation is, and for his majesty he has had experience enough how that prospers which is gotten without the convenient good-will of his people never more money taken from the subjects, never more want in the exchequer if we look upon what has been paid, it is more than usually the people of England were wont to pay in such a time if we look upon what has been affected therewith, it shews as if never any had been worse supplied; so that we seem to have endeavoured the filling of a sieve with water. Whosoever gave advice for these projects, has made good the saying of the wise man, 'qui conturbat domum suam possidebit ventum:' by new ways they think to accomplish their ends, but as much they grasp the wind; and are at the same time cruel to us and to the king too: for let the commonwealth flourish, and then he that hath the sovereignty can never want, nor do amiss, so as he governs not according to the interest of others, but go the shortest and easiest way to his own and the common good.—The kings of this nation have always governed by parliament; and if we look upon the success of things since parliaments were laid by, it resembles that of the Grecians,

" Ex illo fluere, ac retro sublapsa referri,
" Res Danaum——

especially on the subjects parts; for though the king hath gotten little, they have lost all: but his majesty shall now hear the truth from us, and we shall make appear the errors of ministers, who would persuade us that a monarch must be absolute, and that he may do all things ad libitum, receding not one jot from their text, though that be a wandering one, but from the way their own profession might teach them 'stare super vias antiquas,' and remove not the antient bounds and landmarks, which our fathers have set: if to be absolute were to be restrained by no laws, then can no king in Christendom be so; for they all stand obliged to the laws Christian. and we ask no more; for to this pillar is our government fixed; our kings, at their coronation, taking a sacred oath to secure us.—I am sorry these men take so more care to ruin our belief of these things, which they tell us for our souls health, while we know them so manifestly in the wrong in that which concerns the liberties and privileges of the subjects of England. but they gain interment, and then it is no matter though they themselves believe themselves, nor are believed by others yet, since they are so ready to let loose the conscience of their king, we are the more carefully to provide for our protection against this pulpit law; by declaring and removing the municipal laws of this kingdom It is worthy the observing how new this opinion, or rather this way of living is, even amongst themselves. for Mr. Hooker, who was no refractory man (as they term it) thinks, 'That the first government was arbitrary, until it was found, that to live by one man's will, became all men's misery.' These are his words, concluding that 'Has was the original of inventary laws.' And if we look further back, our histories will tell us, that the prelates of this kingdom have often been the mediators between the king and his subjects, to present and pray redress of their grievances; and had reciprocally thon as much love and reverence from the people: but these preachers, more active than their predecessors, and wiser than the laws, have found out a better form of government.—The king must be a more absolute monarch than any of his predecessors; and, to them he must owe it, though in the mean time they hazard the hearts of his people, and involve him in a thousand difficulties: for suppose this form of government were inconvenient and yet they but appear to be, for above these 500 years, hath not

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only maintained us in safety, but made us victorious over other nations? I say, suppose they have an idea of one more convenient: we all know how dangerous innovations are, though to the better; and what hazard those princes must run that enterprise the change of a long established government! Now, of all our kings that have gone before, and of all that are to succeed in this happy race, why should so pious and so good a king be exposed to this trouble and hazard; besides that king, so discreet, can never do any great matter abroad.—But whilst these men have thus bent their wits against the laws of their country, whether they have not neglected their own province; and what tares are grown up in the field which they should have tilled, I leave to a second consideration, not but that religion ought to be the first thing in our purposes and desires, but that which is first in dignity is not always to precede in order of time: for well-being supposes a being, and the first impediment, which men naturally endeavour to remove, is the want of those things without which they cannot subsist.—God first assigned to Adam maintenance of life, and gave him a title to the rest of the creatures, before he appointed him a law to observe. And let me tell you, that if our adversaries have any such design, as there is nothing more easy than to impose a religion on a people deprived of their liberties; so there is nothing more hard, than to do the same upon free-men.—And therefore, Mr. Speaker, I conclude with this motion, 'That there may be an order presently made, that the first thing this house will consider of, shall be the restoring of this nation in general to their fundamental and vital Liberties, the Property of our Goods, and Freedom of our Persons, and that then we will forthwith consider of the Supply desired.' Thus shall we discharge the trust reposed in us, by those that sent us hither: his maj. will see that we make more than ordinary haste to satisfy his demands, and we shall let all those know, that seek to hasten the matter of Supply, that they will so far delay it, as they give interruption to the former.'

The Commons resolve to prefer Grievances to the Supply.] After some further speeches to the same purport, it was ordered, upon the Question, "To consult with the lords how to prevent Innovation in matters of Religion; also concerning the Property of Goods, and the Liberties and Privileges of Parliament; the better to give a present Supply to his majesty." And a conference was desired accordingly. But, the next day the lords sent an Answer to the request of the commons, by the two chief justices, importing, "That their lordships did give this house many thanks for their respects shewed unto them in the Message that the reason the messengers could not be admitted, was because of great and weighty business then before them, the king being there present; but, so soon as ever the leisure and state of affairs, in that house, would permit, they would send notice of it by messengers of their own."—We must here look into the lords Journals, to find the reason and meaning of this visit: and there we are told, 'That the king came to the house of lords, very unexpectedly, on this day, and sitting down in his chair of state, without his robes, he spake to them to the effect

"My Lords; The necessity of calling this parliament, makes me come this day hither, contrary to expectation: you remember what the lord keeper said concerning the occasion of this meeting, the first and second day, but chiefly on the day of conference of both houses at Whitehall. The house of commons did seem to take into consideration my weighty affairs, but they have in a manner, concluded the contrary, for, instead of performing my occasions, in the first place, they have held consultation of Innovations in Religion, Property of Goods, and Privileges of Parliament; and so have put the cart before the horse. If it was a time to dispute, I should not much stand upon it; but my necessities are so urgent, that there can be no delay. If the house of commons will trust me, I will make good what I promised by my lord-keeper. As for Religion, my heart and conscience, with the religion now established in the church of England, shall go together. For the Ship-Money, God is my witness, I never converted any of it to my own profit, but to the end it preserving my dominion on the seas, nor ever intended it. For Property of Goods, it is a thing I never designed to molest: it is my desire to be king of a free and a rich people; and if no Property in Goods, no rich people. I told the commons, that if they would speedily supply my occasions, for the present, I would give them further time, in winter, to debate and present all their just Grievances. If they will not trust me in this first, all my business this summer will be lost; and, before the year goeth about, I must be trusted at last, for, in the winter, I must call them to give me a greater supply, if the house of commons will not join to prefer my occasions before their Grievances. I conjure your lordships to consider your own honour and mine, and the preposterous course of the commons; and desire that your lordships will not join with them, but leave them to themselves. I desire you to be careful in this point, else, if the Supply come not in time, I will not be to what mischief may ensue must follow."

The king having made this short speech and left the house, the lord keeper acquainted the peers with one particular his maj. had forgotten; which was, That the house would determine, before they parted, on what the king had proposed to them. Hereupon it was resolved, That the house might be put into a committee, for every lord to speak his mind, but to be adjourned during pleasure. After long and great debates, as the Journal expresses it, on the King's Speech, the house was again resumed, and these two questions were agreed upon to be proposed: 1. "Whether the Supply should have precedency, and be resolved upon

before any other matter whatsoever? 2 Whether there should be a conference desired with the Commons, in order to dispose them thereto? 3 Which were both carried in the affirmative. And a message was sent to the lower house for that determined purpose; as is before related in their Journals, to which we now refer.

Heads of Grievances prepared by the Commons.] The same day that the king came to the house of lords, the committee of the commons, appointed to prepare Heads or Inductions, for the Conference, delivered a series of them to the house, as follow

"I. INDEMNITY.

I. Concerning Innovation in Matters of Religion.

1. "The commission that was lately granted to the convocation-house. The rather, because of the innovations brought in and practised, when there was no such commission. The complaints arising from petitions out of thirteen several counties, by divers members of the house, against innovations in religion. 3. The molesting and depriving of godly and conformable ministers, for not yielding to matters enjoined without warrant of law. 4. The publishing of Popish tenets, in licenced books, sermons, and disputations. 5. Restraining conformable ministers from preaching in their own churches."

"II. Concerning Property of Goods.

1. "Monopolies, and restraint of trade. 2. Ship-money. 3. Enlarging the bounds of forests beyond what they have been for some hundred years last past. 4. Military charges, viz. Coat and conduct money, wages, arms taken from the owners, forcing the country to buy or provide, at their own charge, horses and carts, by way of tax. 5. Denial of justice in the courts of Westminster, to the subject's prejudice, in point of the property of his goods. 6. Frequent imprisonments and vexations for non-payment of unwarrantable taxes, and not submitting to unlawful monopolies."

"III. Liberties and Privileges of Parliament.

1. "Punishing men out of parliament, for things done in parliament. 2. That which is already voted in the house concerning privilege of parliament. 3. Sudden dissolution of parliaments, without redress of grievances.—But this was laid by for the present, and not put to the question. Lastly, 'As that which relates to all, and is a great cause of all our former grievances, the not holding of parliaments every year, according to the laws and statutes of this realm'.—This also was put off for the present.

Resolved, upon different questions, on each particular Article of the first Charge, relating to Religious Matters, 'That they should all be made use of to the intended conference with the lords'.—The same on the second and third, except the two last articles. Put, which were deferred to another opportunity.

The Lords, at a Conference, recommend Precedency of Supply.] April 24. The house of lords received a Message from the lords the judges, "That their majesty's service required a present supply from this house of lords, and some occasion having risen from the business which some debate had happened their lordships desired a speedy conference with a committee of both houses about the same." A committee of the commons were instantly appointed, who were to attend the lords and make a report of the conference on Monday morning.*

April 27. The said report was made to the commons by Mr Herbert, the queen's solicitor to this effect, "That the lord keeper, the king's special mouth at the conference, the lord keeper sat under the bar. That he has already been printed, and being much better digested in the Lords Journals, we shall add from thence no other."

"That the lord keeper opened the occasion with the effect of what was delivered to the lords the day before, and at the meeting at Whitehall. He also put them in mind of what was said the first and second days of this parliament, and that the king had said he would make it all good. He told them, that his majesty's affairs would admit no delay, but required present supply. He let them know the great disorder that Scotland was now in; that the Scots army had pitched their tents in the fields near Durham, and had taken our English troops, then there the invasion of Northumberland that the Scots had put themselves under the protection of the French king, that his majesty's honour concerned in this business, which he is determined to uphold at this life.—That there is a necessity to trust his majesty at present, yet he must trust them hereafter; that he will not break his word with them, and that delay was as bad as denial, and time lost cannot be recovered. They had the word of a king, and not only so, but of a gentleman.—For the three propositions, viz. Religion, Property of Goods, and Privileges of Parliament, he told them, his maj. would graciously hearken unto them, and relieve them; and give them what, in reason, can be desired.—For Religion he said, his majesty's heart and conscience would go together, and that he will die in the religion of the Church of England. That Ship-Money was never profit to the king; for he spent that, and more out of his own revenue, to preserve the dominion of the seas; and if they would put the king into any other way to secure the seas, he would hear them.—Lastly, He told the commons, That the lords had voted and declared, as their opinion, that his majesty's

* This day Mr. John Rushworth, the Author of the Historical Collections, was admitted as a clerk-assistant to the house of commons.—Journ. Dom. Com.

Supply should have the precedency, and be resolved on before any other matter whatsoever: therefore he desired the house of commons to go on with that first, as that which, in the opinion of the house of lords, is held most necessary. That their lordships in this did not move subsidies, but rather declined it, and only give their advice therein. That this being done, their lordships would be ready to join in any thing for carrying on the other great business."

This Report of the lord keeper's speech being made in the house of commons, a long debate ensued upon it; and, at last, they came to the following resolutions 1 Resolved, upon the question, 'That by the late matter propounded, in the late conference with the lords, the privileges of this house are violated.' 2 'That the words now read by the Solicitor, were a faithful and true report of part of that conference had with the lords; and that the said words shall be entered in the Journal' 3. 'That their lordships voting, propounding, and declaring concerning matter of Supply, in such sort as is contained in this Report, before it was moved from this house, is a Breach of Privilege of this house'—And, after ordering the last section of the Report to be read once more, it was further resolved, 'That a select committee should be appointed to consider of this day's debate and resolutions; and to prepare, in writing, an Address unto the lords, for righting the privileges of this house"

The next day, the commons agreed and approved on an address to the lords, and that Mr. Pym should go up to that house with it; which he delivered to their lordships in manner following:

"That at the last conference, by a committee of both houses, it was admitted by your lordships, that matters of Subsidy naturally belong to the commons, and that your lordships would not meddle therein, nor give advice in it, but had declined it. That, notwithstanding this declaration, your lordships have meddled with, and advised concerning both the matter of supply, and the time when the same should be made, and this before such time as the same was moved to them by the commons, as appears by your lordships declaration, viz. 'That you had voted you held most necessary and fit, that the matter of Supply should have precedency before any other matter or consideration whatsoever: and therefore desired that conference with the commons, to let them know your lordships reasons for it; which being taken into consideration, and done by the commons, your lordships would freely join with them in all that concerns religion, property of estate, and privilege of parliament.' That the course this committee did offer for repair of this breach of privilege, was, That your lordships would, in your wisdoms, find out, yourselves, some sort of reparation, and of prevention of the like intringement for the future. And whereas the committee was induced to presume, that your lordships had been informed the commons had entered into consideration and debate of the aforesaid matters of religion, &c. and that they were to have precedency before Supply, which might occasion your lordships voting as they had done; they humbly desire to present the same to your lordships, in words to this effect:—That, in case your lordships have taken notice of any orders or proceedings of the commons, concerning Religion, Property, and Privileges, and that they were to proceed to the Supply; which they have some cause to conceive by these words, 'That this being done, your lordships would freely join with the commons in these three things' for the avoiding all misunderstandings between your lordships and the commons, for time to come, they desire your lordships, hereafter, to take no notice of any thing which shall be debated by the commons, until they shall, themselves, declare the same unto your lordships; which the commons shall always observe towards your proceedings, conceiving the contrary not to consist with the privileges of either house."

The committee being returned, Mr Pym informed the house of what he had done and delivered, and that their lordships Answer, as present, was, 'They would send one in convenient time.' It was ordered, That the thanks of the house should be given to Mr. Pym, for the good service he did them, in his exact and faithful delivery of their Address.

We are told, in the Lords Journals, That when the lord Keeper had made a report to the house of what was delivered by the commons, at the conference the day before, their lordships entered into a long and serious debate upon it, and afterwards came to the following Resolution, "That by their lordships first voting, they were of opinion the matter of his maj.'s Supply should have precedency, and be resolved on before any other matter whatsoever, there was no breach of the privilege of the house of commons.

April 30. The lords passed another vote, to the same purpose, "That it was no breach of privilege of the house of commons, for their lordships to hear what his maj. declared to them, and thereupon to report the same to the house of commons." And, in order to be more able to support these two Resolutions, the lords ordered, That notice should be given to the keeper of the records in the Tower to attend the house the next morning, with the original record of the 9th of Hen. 4. concerning the indemnity of the peers and commons. Likewise a committee of lords was appointed to meet that afternoon in the council-chamber at Whitehall, to prepare and draw up heads for another conference with the commons about this great affair.——But to return to that body.

The Commons proceed with Grievances.] April 29. Sir Walter Erle reported from the committee, appointed to prepare and give directions for the managing of a conference, to

he [illegible] with the lords, about the matters [illegible] under the heads or inducements, be- [illegible] mentioned; that they had thought fit to [illegible] three men, for the charge of the three [illegible] Mr. Lyn for the first and to make an [illegible] duction to the whole business. Mr. St. [illegible] for the second: who desired, that, in re- [illegible] of the large extent of this head, another might be joined with him to undertake the charge and Mr. Hulborn for the third. Upon delivery of this report the following particulars were by question resolved upon "1. That in this conference with the lords, there shall be a protestation and a saving made, to preserve and keep entire the right of the commons, not to be bound by any canons, that are or shall be made, upon any commission granted, or to be granted, to the convocation, without the consent of parliament. 2. That, in the said conference, one head shall be, touching the receiving of the communion table, in parish churches, and chapels in the universities, and placing them altar-wise, at the east end of the said churches and chapels, close to the wall. 3. That another head of this conference shall be the setting up of crosses, images, and crucifixes, in cathedral and parochial churches and chapels, both in the universities, and divers other places of this kingdom. 4. Another head shall be, the refusing to administer the sacrament to such as will not come up to the rail before the communion table, set altar-wise, and excommunicating some for not doing of it. 5. The making and enjoining of articles at visitations, without any other authority than that of the bishops of the diocess. 6. That, in this conference, another head shall be, touching the molesting, suspending, or depriving of many godly and conformable ministers, for not yielding to matters enjoined without warrant of law; instancing such as have been deprived for not reading the book for recreations on Sundays. 7 That, in this conference, one head shall be, touching the preaching, printing, and determining of and for Popish tenets, contrary to the doctrine of the church of England. 8. Another head to be, to clear the enjoining and preaching of bowing to the altar, and the enquiry for the doing, or not doing of it. 9 That, in this conference, another shall be, concerning the restraining of conformable ministers from preaching in their own charges. Lastly, It was resolved, 'That in this conference with the lords, there shall be a reservation to the parties, appointed to carry it on, of further liberty to add more particulars as there shall be occasion."

The Lords, at a Conference, give their Reasons for preferring the Supply.] May 1. A Message was brought from the lords to desire a present conference, concerning somewhat that fell out in the last. The house was divided on this message, and the question being put, Whether to agree to this conference, or not? it passed in the negative, 207 against 148. Rushworth tells us, 'That this division of the house discovered the temper of it, for the majority, that voted against the conference, were for Redress of Grievances before the Supply:' but he does not acquaint us, That soon after the conference was agreed to, and the treasurer of the household sent up to inform the lords of it, though he has given us the lord keeper's speech made at this meeting. The speech before mentioned for which this conference was desired, had been reported and agreed upon by the lords; and was delivered to the committee of the commons, by the lord keeper, to the effect following.

"My lords have commanded me to let you know, that the desire and care on your part in the last conference, represented unto them for preserving a good union and correspondence between their lordships and you, is by them entertained with all respect, and requited with all good affection; as that which is the best way to bring our consultations and resolutions to an happy issue, to give his maj. a dutiful account of our zeal and forwardness in those great and weighty affairs, for which we were assembled; and to further those united proceedings that may tend to the happiness of this kingdom, and the contentment of both houses. Their lordships well know the great privileges belonging to both houses of parliament, of which they and you alike participate: but they are not ignorant of those that are distinctly proper to each house: what belongs to you of the house of commons, they never had thought to unpeach or diminish in the least kind, and what they may justly challenge to themselves, they presume you will not attempt upon; and so you cannot doubt but they will be as tender of their honour in the preservation and upholding of their own, as they are and shall be careful not to invade or violate any of yours.—This their lordships commanded me to tell you, will best and most clearly appear, by the course that hath been held in their own house, and by their proceedings with you.—Their lordships, as in duty and affection to his majesty's crown and government they are bound, took into serious consideration the great and weighty motive of his maj.'s calling us together at this time; the great evils and calamities that hang over our heads, and the apparent danger this kingdom is like to run into, if, by speedy and fitting supply, his maj. be not enabled to prevent it?—These, with other reasons informing how unsupportable delay and protraction was, and how impossible it is for both houses to recover the loss of time, in a matter of so urging and pressing consequence, were, by his maj.'s command, delivered to their lordships and us, both in the lords house and in the Banqueting-house at Whitehall; his maj. being present.—His maj. I say, at both those times, expressed his gracious and princely desire to do all that from a just and a gracious king might be expected; whereby this parliament might have an happy and blessed conclusion, to bring joy and consolation to his majesty and all his subjects. He told you, that all your just grievances should be graciously heard and relieved, that [illegible] [illegible]

he would therein let you be at no loss of time; but for the present, before you parted, you should have, without abridging, as much time as the season and great affairs in hand would possibly permit; and, what you could not now prefer, you should have time towards winter to [illegible] ... nesses, that he may ... herein; and, for their parts long it in their hearts with much true confidence of his majesty's royal performance, as ever subjects did — Not long after, his majesty was pleased to honour the lords house with his presence again, to renew their remembrance of all that before had been delivered to both houses, both for the necessity of the Supply desired, with an impossibility of admitting delay; and the clearness of his majesty's intention and resolutions to give all just satisfaction to what with reason could be desired at him — His maj. then took notice to their lordships of somewhat that had been voted in your house concerning Religion, Priviledges of Parliament, Liberty of Parliament, which he has ever conserved the matter of his Supply set aside; which he had ... and with such weight of reason, desired ... time precedence, ... ter very graciously ... further hastening of his majesty's ... and for the true Religion ... ation thereof, ... gracious promise to give a gracious ... and just relief to all your just Grievances, expressing his royal intentions ... of Ship-Money, which found ... ing ... upon — he was ... ther pleased to ... their lordships, as persons in their ... nearest to him in honour, as much as ... concerned than others, and ... the safety and prosperity of ... kingdom, ... interested with the rest of his subjects in the case of this great and important weight; that they would, in their counsel and ... to give his majesty ... assistance and ... in the matter of Supply. Their lordships took this his ... ... serious and faithful consideration, and after several and long debate they resolved ... upon ... was, That the matter of ... Supply should ... precedence and ... of before ... that ... did think ... with ... the ... to dispose you thereto. And ... voted ... with which ... conference ... ... prefer ... for the ... to do, as it neither exceeded the limits ... of their ... nor ... any ... At the ... conference ... ... willing to ... rather from some mistaking, ... to lessen their or enlarge ... own ... in regard to your ... that ... was a breach ... Priviledge, and that therein their lordships had been transported beyond those bounds, which they had set to themselves; because, in their former conference, their lordships had admitted, that matter of Supply ought to be given in the house of commons, to naturally belonging to that house, and wherein ... lordships would not ... much as to give advice and vote by voices what they did, had not only meddled in matter of Supply, but as far as in their lordships power had concluded both of matter and order of proceedings, for which you demanded reparation from their lordships. Herein, I'm commanded by their lordships to let you know, that they have neither varied nor been transported from their own bounds; nor voted any thing contrary to your rights and privileges, or to the admitting of them at that conference which is pretended. For their lordships did and do admit, That the bill of Subsidies ought to have its inception and beginning in your house; and, that when it comes up to their lordships, and is by them agreed unto, it ... be returned back to you; and be, by your Speaker, presented. — And therefore, as they do disclaim any thought or intention of such ... coming in their house; so they did, at that time and conference with you, disclaim to meddle with the matter of Subsidies or Supplies, that is by naming the time or number, or any such circumstances incident to the bill, which ought to begin with you; or therein to give you any the least advice, but only to confer and talk with you what Supplies in general ... to give you their advice therein, they do not ... and hold derogatory to yours, or ... the privileges of their own house, since it ... frequently ... your Greivances to them ... all the reason in the world they should ... communicate their ... and lore rights of dangers to you: their lordships being a body, that ... with in an ... nearer ... the royal throne than you do; and therefore the likelier to communicate in the counsels and secrets of state, and, for their persons and fortunes, at least as exposed to ... point of danger. Their lordships are not ... acquainted with that establishment in ... parliament, which was by you, at the conference, stiled The Indempnity of the Commons; but it is indeed the Indempnity of the Lords and Commons ... and so stiled in the record itself. By that record, made at Gloucester, 9 Hen. IV it appears there was a conference between the lords and commons, about the state of the realm and defence of it; after which the king demanded of the lords, what aid was fit to be granted? They said a tenth and an half in cities and boroughs, and one fifth and an half of others, and a Subsidy of Tonnage and Poundage for two years. Upon which the king sent to the commons, to send up to him and the lords, twelve of their company, when they came, it was by the kings command declared, what had been by the king demanded of the lords, and what the lords answer thereto was; which the king willed to report to their com-

persons, that they might with better speed address themselves to the intention of the lords. This indeed the commons were truly sensible, would be a great derogation to their liberties, were reason to prevent, for the future, any thing that might turn to the prejudice of their liberty, or against the liberty of the lords, it was resolved, 'That it should be lawful for the lords in common among themselves, in the king's absence, of the state of the realm, and the remedies needful: and the commons among themselves. Provided always, that neither the lords, or commons, report to the king any thing granted by the commons and assented to by the lords, but the communication of it, that the lords and commons be agreed, and that be represented by the speaker of the house of commons.'—This is the substance of that establishment which only hath relation to the manner of presenting subsidies and aids to the king, and giving him knowledge of them. And, it hath not one word that barrs the lords and commons from conferring about them, but plainly declares, that both lords and commons, in their several houses, may equally treat amongst themselves of the dangers the kingdom is in, and of the way to remedy them. This my lords have well weighed, and are satisfied, verifies their proceedings have been according to ancient usage and custom, as the same grounded upon just and weighty reasons.—Many other reasons their lordships have, to justify their proceedings in this particular, but they conceive these to be sufficient, and will give you no abundant satisfaction, till plainly that the house of commons had no cause to demand reparation herein from their lordships. A second thing objected wherein their lordships have failed and broke in the great privilege of parliament, which established by the statute, which I have mentioned before, is, that their lordships have taken notice of some proceedings in the house of commons concerning three particulars, viz. Religion, Propositions of Goods, and Privilege of Parliament. In which their lordships have commanded me to give you this just and honourable answer. His majesty, and their lordships, you had resolved something concerning these three heads, and, by that way of proceeding, preferred them before matter of supply. How his majesty knew that so resolved, belongs not to their lordships to enquire into; their lordships not meddling with any thing that others say to the king. But as to what he has said to their lordships, and what their lordships heard his majesty declare to them certainly for them, thereupon, to report the same to the house of commons, their lordships are so far from holding it an abomination, or violation of your privileges, that, on the contrary, in duty to his majesty they could do no other and the commanding it to you, in that manner, they think either merits your opinion and belief of their affections to you, and desire of correspondence with you, than any other misconstruction whatsoever.—As to that which you called the Indemnity of the Commons, it hath no word in it that can be contrary to make an breach of your privilege. Therefore, their lordships, having thus cleared and justified their own proceedings, and freed themselves from any imputation of intending your liberties, cannot but return to their first grounds and resolutions; which were, in all fair and affectionate manner, to stir up in you the just consideration of those great and imminent dangers that threaten this kingdom at this time, and how dangerous and irrecoverable delay is: and withal to dispose you to take, into your first and best thoughts, the matter of his maj.'s Supply, and give him a speedy answer therein. This, their lordships do conclude, will be the means to preserve and continue a good union and understanding between their lordships and you, to make this a happy parliament, and to avert the publick calamities, that menace the ruin and overthrow of this famous and renowned monarchy."

A Message from the King to the Commons, to hasten a Supply.] May 2. Whilst the house was preparing to hear the report made of yesterday's conference with the lords, the treasurer of the household, sir Henry Vane, delivered a Message from the king to them, which was read in haec verba;

"That his majesty hath by divers and sundry ways, acquainted this house with the urgent necessity of supply, and with the great danger, inevitably, to fall upon the whole state, upon his own honour, and the honour of this nation, if more time shall be lost therein. That, nevertheless, his majesty hath, hitherto, received no Answer at all; though, heretofore, he hath promised the house, That a delay in this case is as destructive as a denial; and doth again desire them to give him a present Answer concerning his Supply; his majesty being still resolved, on his part, to make good what ever he hath promised by himself or the lord keeper."

On the receiving this Message, the house presently resolved itself into a committee, William Lentall, esq. in the chair. But though a debate ensued on the message, which lasted till six o'clock at night, they came only to the following Resolution. "That because of the difficulty of the matter debated, the house should be further time granted to the committee, to begin to-morrow, at eight in the morning. And that the Treasurer, Comptroller, and Mr Secretary Windebank, be intreated, from this house, to acquaint his majesty with this order."

A second Message to the same Purport.] May 4. Mr. Treasurer acquainted the house, That they had made known to his majesty their order of Saturday, in Answer to which, the king had sent another Message, which was also read in these words:

"Whereas, upon Saturday last, his majesty

Printed and published by the Proprietors

was pleased to send a message to this house, desiring you to give a present answer concerning his Supply; to which, as yet, his majesty hath had no other answer, but that, upon this day, you will again take it into further consideration: Therefore his majesty, the better to facilitate your resolutions, this day, hath thought fit to let you know, that, of his grace and favour, he is pleased, (upon your granting twelve subsidies to be presently passed, and to be paid in three years, with a proviso that it shall not determine the sessions) not only, for the present, to forbear the further levying of any Ship-Money, but will also give way to the utter abolishing of it, by any course that yourselves shall like best.—And for your Grievances, his majesty will (according to his royal promise) give you as much time as may be now, and the next Michaelmas; and he expects a present and positive Answer upon which he may rely, his affairs being in such a condition as can endure no longer delay."

The King dissolves the Parliament.] The commons went again into a committee of the whole house, to consider of his majesty's Messages of Saturday and of this day. The sergeant was sent to the several bars, in Westminster Hall, to summon the members to come to the service of the house But though they spent this whole day, also, in preparing an Answer to the king's Messages, they came to no other Resolution than to adjourn it till the next morning at 8 of the clock; and that the former officers should acquaint his majesty with it. But, the next day, Rushworth informs us, That Mr. Secretary Windebank went early to the Speaker's house in Chancery-Lane, with a command to bring him to Whitehall. that the commons met at the usual hour; but the Speaker not appearing, according to custom, they concluded they were to be dissolved. And, as they were discoursing with one another, James Maxwell, esq. gentleman-usher of the black roll, came to require their appearance in the upper house; where the king spake as follows:

"My Lords; There can no occasion of my coming to this house be so pleasing unto me, as this at this time. The fear of doing that, which I am to do this day, made me not long since come into this house, where I expressed as well my fears as the remedy, which I thought necessary for the eschewing of what is to follow. I must confess and acknowledge that you, my lords of the higher house, did give me so willing an ear, and with such affection did shew yourselves; that, certainly I may say, if there had been any means to have given on happy end to this part you took it, so that it was neither your lordships fault nor mine, that it is not so. Therefore in the first place, I must thank you, my lords, for your good endeavours.—My lords, I hope you remember what, the first day of the parliament, my lord keeper said to you in my name; and what likewise he said in the Banqueting house in Whitehall, and what, lately, I said unto you in this place myself. I name all this unto you, not doubting that yourselves well remember it; but to shew you that I never said any thing in way of fair out to my people, but, by the grace of God, I will punctually and really perform it.—I know they have insisted very much on Grievances, I will not say but there may be some, though I will confidently affirm that there are not, by many degrees, so many as the public voice doth make them. Wherefore I desire you to take notice, now especially at this time, that out of parliament I shall be as ready, if not more willing, to hear and redress any just grievances, as in parliament.—There is one thing much spoken of, I mean as to matters of religion Concerning which, albeit I expressed myself fully the last day in this place, yet I think it fit again on this occasion to tell you, that as I am concerned, so I shall be most careful to preserve that purity of religion which I thank God, is so well established in the church of England; and that as well out of, as in, parliament.—My Lords, I shall not trouble you long with words, it being not my fashion; wherefore to conclude, what I offered the last day to the house of commons, I think is very well known to you all; as likewise how they accepted it, which I desire not to remember; but wish they had remembered how at first they were told by my lord keeper, that delay was the worst kind of denial yet I will not lay this fault on the whole house of commons, I will not judge so uncharitably of those whom, for the most part, I take to be loyal and well affected subjects; but it hath been the malicious cunning of some few seditiously affected men that hath been the cause of this misunderstanding.—I shall now end as I began, in giving your lordships thanks for the care you have of my honour and affairs, desiring you to go on and assist me in the maintaining of my government and the liberties of the people, that they now so much startle at; for, my lords, no king in the world shall be more careful to maintain the Property of their Goods, tha Liberties of their Persons, and the true Religion, than I shall be. And now, my Lord-keeper, do as I have commanded you."

The lord-keeper then added: "My lords, and you the gentlemen of the house of commons, tho king's majesty doth dissolve this parliament"

The King's Declaration of his Reasons for dissolving the Parliament.] Soon after the dissolution of this parliament the king published a Declaration of the Grounds and Reasons, which induced him to take such a step: in which is a recapitulation of all his Speech-Messages, and Answers to them, from the beginning to the end of this parliament to avoid tautology, we shall not repeat them here, but only give the Declaration itself.

"His Majesty's DECLARATION to all his loving Subjects, of the Causes which moved him to dissolve the last PARLIAMENT.

"The king's most excellent majesty well knoweth, that the calling, adjourning, proroguing and dissolving of parliaments are

doubted prerogatives inseparably annexed to imperial crown; of which he is not bound der any account, but to God alone, no than of his other regal actions.—Nevertheless his maj whose piety and goodness have made him ever so to order and govern all things, that the clearness and candor of his own heart may appear to all his subjects, especially in those great and publick matters that have relation to the weal and of his people, and the honour of his person and government; hath thought fit seasonably and prevent all sinister misconstructions and misinterpretations, which the malice of ill-affected persons to his crown and government, hath or may practise to infuse into the minds and ears of his good and faithful to set down by way of declaration, times, as well of his assembling, as of dissolving, the late parliament.—It is not unknown to most of his majesty's loving subjects, what discouragements he hath formerly had, by the undutiful and seditious carriage of divers of the lower house in preceding assemblies of parliaments, enough to have made him averse to those ancient and accustomed ways of calling his people together; when, instead of dutiful expressions towards his person and government, they vented their own malice and disaffections to the state; and, by thereof ul and malignant courses, endeavoured thing more than to bring into contempt and order all government and magistracy.—Yet majesty, well considering that but few were guilty of that seditious and undutiful behaviour; and hoping that time and experience had made his loving subjects sensible of the distemper the whole kingdom was like to be put into, by the ill-governed actions of those men, and his maj being ever desirous to tread in the steps of his most noble progenitors, was pleased to issue forth his writs under the great seal of England for a parliament, to be holden the 13th day of April last.—On that day his majesty, by the lord-keeper of his great seal, was graciously pleased to let both houses of parliament know how desirous he was, that all his people should unite their hearts and affections in the execution of those counsels, that might tend to the honour of his maj. the safety of his kingdoms, and the good and preservation of all his people and withal, how confident he was that would not be failing in their duties and affections to him and to the public.—He laid open to them the manifest and apparent mischiefs threatened to this and all his other kingdoms by the mutinous and rebellious behaviour of divers of the Scots nation; who had, by their examples, drawn many of his subjects there into a course of disloyalty and disobedience, not fit for his maj in honour, safety, or reason to endure. And how that, to strengthen themselves in their disloyal courses, they had addressed themselves to foreign states, and treated with them to deliver themselves up to their protection and defence, as was made appeare under the hands of the prime ringleaders of that rebellious faction.—These courses of theirs tending so much to the ruin and overthrow of this famous monarchy, united by the descent of the crown of England upon his maj and his father of blessed memory: his maj. in his great wisdom, and in discharge of the trust reposed in him by God, and by the fundamental laws of both kingdoms, for the protection and government of them, resolved to suppress, and, thereby, to vindicate that sovereign power intrusted to him.—He had, by the last summer's treat, found that his grace and goodness was abused, and that, contrary to his expectation and their faithful promises, they had, since he was at Berwick and the pacification there made, pursued their former rebellious designs and therefore it was necessary now, for his maj by force to reduce them to the just and modest condition of their obedience and subjection; which, whenever they should be brought unto, or, seeing their own errors, should put themselves into a way of humility and obedience becoming them, his maj should need no other mediator for clemency and mercy to them, than his own piety and goodness, and the tender affection he hath ever born to that his native kingdom. This being of so great weight and consequence to the whole kingdom, and the charge of an army fit to master such a business amounting to such a sum as his maj hath no means to raise; having not only emptied his own coffers, but issued between three and four hundred thousand pounds, which he borrowed of his servants upon security out of his own estate, to provide such things as were necessary to begin such an action with; his maj. after the example of his predecessors, resorted to his people in their representative body, the parliament; whom he desired, with all the expressions of grace and goodness which could possibly come from him, that, taking into serious and dutiful consideration the nature of these bleeding evil, and how dangerous it was to lose the least minute of time, lest thereby those of Scotland should gain the opportunity to frame their parties with foreign states they would, for a while, lay aside all other debates, and pass an act for the speedy payment of so many subsidies, as might enable his maj to put in readiness, for the summer's expedition, those things which were to be prepared before so great an army could be brought into the field. But for a further Supply, necessary for so great an undertaking, his maj declared, that he expected it not, till there might be a happy conclusion of this session, and till their just Grievances might be, first, graciously heard and relieved.—And therein as his maj. would, most willingly, have given them the precedence before matter of Supply, if the great necessity of his occasions could have permitted; so he was graciously pleased, for their full assurance and satisfaction therein, to give them his royal word, that, without determining the session, upon granting of the Subsidies, he would give them, before they parted, as much time as the season of the

Printed by G. Eld for the Corporation of Southampton. Entered at Stationers' Hall.

year and the great affairs in hand would permit, for considering all such petitions as they conceived to be for the good of the commonwealth, and what they could not now finish, they should have full time to perfect towards winter: his maj. graciously assuring them, that he would go along with them for their advantage, through all the expressions of a gracious and pious king; to the end there might be such a happy conclusion of that, as might be the cause of many more meetings with them in parliament.—From that first assembling until the 21st of April, the house of commons did nothing that could give his maj. any content or confidence in their speedy supplying of him whereupon he commanded both the houses to attend him in the Banqueting-House, at Whitehall, in the afternoon of that 21st of April; where, by the lord-keeper, his maj put them in mind of the end for which they were assembled, which was for his majesty's Supplies that if it were not speedy it would be of no use unto him, part of the army then marching at the charge of above a hundred thousand pounds a month; which would all be lost, if he maj. were not, presently, supplied, or as it was not possible to be longer forborn. Yet his maj. then expressed, that the Supply he for the present desired, was only to enable him to go on with his designs for three or four months; and that he expected no further Supply till all their just Grievances were redressed.—And, because his maj. had taken notice of some misapprehensions about the levying of Ship-Money, his maj. commanded the lord-keeper to let them know, that he never had any intention to make any revenue of it, nor had ever made any; but that all the money collected had been paid to the treasurer of the navy, and by him expended, besides several great sums at money every year out of his majesty's own purse that his maj. had once resolved, this year, to have levied none; but that he was forced to alter his resolution, in regard he was of necessity to send an army for reducing those of Scotland, during which time it was requisite the seas should be well guarded. And besides his maj. had knowledge of the great fleets prepared by all neighbouring princes this year, and of the insolences committed by those of Algiers, with the store of ships they had in readiness. And therefore, though his maj. for this present year could not forbear it, but expected their concurrence in the levying of it; yet, for the future, to give all his subjects assurance, how just and royal his intentions were, and that all his aim was, but to live like their king; able to defend himself and them; to be useful to his friends, and considerable to his enemies; to maintain the sovereignty of the seas, and so make the kingdom flourish in trade and commerce: he was graciously pleased to let them know, that the ordinary revenue, now taken by the crown, could not serve the turn; and therefore that it must be by Ship-money, or some other way, wherein Plus-tous willing to [illegible] as their

considerations, what better course to find out and to settle it how they would, so the thing were but done, which so much imported the honour and safety of the kingdom. That he maj. for his part, would most readily and chearfully grant any thing they could desire, for securing them in the property of their goods and estates, and in the liberty of their persons: his maj telling them, it was in their power to make this as happy a parliament as ever was, and to be the cause of the king's delighting to meet with his people, and the people with him, and that there was no way to affect this, as by putting obligation of trust and confidence upon him; which, as it was the way of good manners with a king, so it was a surer and safer course for themselves, than any that their own jealousies and fears could invent; his majesty being a prince that deserved their trust, and could not lose the honour of it; and of so gracious a nature that he disdained his people should overcome him by kindness: that he had made this good to some other subjects of his; and if they followed his counsel, they should be sure not to repent it; being the people that were nearest and dearest unto him, and subjects that he did and had reason to value more, than the subjects of any of his other kingdoms.—His majesty having thus graciously explained himself unto them, he expected the house of commons would have, the next day, taken into consideration the matter of Supply, and laid aside all other debates, till that was resolved of according to his desire. But, instead of giving an answer therein, such as the pressing and urgent occasions required, they fell into discourses and debates about their pretended Grievances and raised up so many, and of so several natures, that, in a parliamentary way, they could not but spend more time than his majesty's great and weighty affairs could possibly afford.—His majesty foreseeing, in his great wisdom, that they were not in the way to make this a happy parliament, which he so much desired and hoped; yet, that nothing might be wanting on his part, to bring them into the right way; he resolved, for his honour, the safety of the kingdom, and their own good, to desire the assistance of the lords of the higher house, as persons in rank and degree nearest to the royal throne; and who, having received honour from him and his royal progenitors, he doubted not, would, for those and many other reasons, be moved in honour and dutiful affection to his person and crown, to dispose the house of commons to express their duty to his majesty; so expediting the matter of Supply, for which they were called together, and which required so present a dispatch.—For this purpose his maj. in his royal person, came again to the lords house on Wednesday, the 24th of April; where he himself declared to the lords the cause of his coming; which was to put them in mind of what had been, by the lord keeper in his name, delivered to both houses the first day of the parliament, and after at Whitehall.

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other debate (such was their hard-hap of mind
and affectionate courage, that well remembering
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majesty's name to both houses, his majesty's gracious
promises and expressions then, and at this
time, with the pressing and urgent necessities
which so much imported the honour of his
majesty, and the good of his kingdom) their
lordships delivered their votes in these words
"We are of opinion, that the matter of his majesty's Supply should have precedence, and be
resolved on before any other matter whatsoever." And we think fit, that there shall be a
conference desired with the house of commons
to
use thereunto"—Accordingly the
next day, being Saturday the 30th of April, a conference was held in the Painted Chamber between
a committee of both houses, where the lord
keeper, by command of the lords, told the
house of commons of his majesty's being, the day
before, in person, in the higher house; how

of more peace and plenty in all kinds whatsoever. And whereas, the ordinary Revenues of the crown not sufficing to defray extraordinary charges, it hath ever been the usage, in all parliaments, to aid and assist the kings of this Realm with true and fitting Supply, towards the maintenance of their wars, and for making good their royal undertakings; whereby the kingdom, intrusted to their protection, might be held up in splendor and greatness: these ill-affected persons of the house of commons have been so far from treading in the steps of their ancestors, by their dutiful expressions in this kind, that, contrariwise, they have introduced a way of bargaining and contracting with the king, as if nothing ought to be given him by them, but what he should buy and purchase of them, either by omitting sometimes of his royal prerogative, or by diminishing and lessening his revenues; which courses of theirs, how repugnant they are to the duty of subjects, how unfit for his maj. in honour, to permit and suffer; and what hazard and dishonour they subject this kingdom to, all men may easily judge, that will but equally and impartially weigh them. His maj. hath been, by this means, reduced to such straits and extremities, that, were not his care of the public good and safety far greater than theirs, these men, as much as in them lies, would quickly bring ruin and confusion to the state, and render contemptible this glorious monarchy. But this frowardness and undutiful behaviour of theirs cannot lessen his maj.'s care of preserving the kingdoms intrusted to his protection and government; nor his gracious and tender affection to his people, for whose good and comfort his maj. by God's gracious assistance, will so provide, that all his loving subjects may still enjoy the happiness of living under the blessed shade and protection of his royal sceptre.—In the mean time, to the end all his maj.'s loving subjects may know, how graciously his maj. is inclined to hear and redress all the just grievances of his people, as well out of parliament as in parliament, his maj. doth hereby further declare his royal will and pleasure, that all his loving subjects who have any just cause to present, or complain of any grievances or oppressions, may freely address themselves, by their humble petition, to his sacred majesty, who will graciously hear their complaints, and give such fitting redress therein, that all his people shall have just cause to acknowledge his grace and goodness towards them, and to be fully satisfied that no persons or assemblies can more prevail with his majesty than the piety and justice of his own royal nature, and the tender affection he doth, and shall ever bear to all his people and loving subjects."

Remarks on the Proceedings of the late Parliament.] Besides giving the king's Declaration of his Reasons for dissolving this Parliament, it will be necessary also to give the sentiments of cotemporary historians, concerning the occasional debates in the houses of commons, during this session; particularly, of the last two days of it. We have, hitherto, altogether followed the authority of the Journals and Mr. Rushworth, in the foregoing account, but they not entering so deeply into those proceedings as some others have done, and particularly lord Clarendon, who was himself a member of this parliament, it cannot be amiss to give that noble author's own account of them first and chiefly, in his own words.—After giving an abstract of the king's and lord-keeper's speeches, at the opening, with some subsequent speeches in the house of commons made by Mr Pym, Mr Grimston, and others, on Grievances, particularly Ship-Money, and that one Peard, a bold lawyer of little note, said, It was an Abomination; he tells us, "That they were smartly taken up by Herbert, the king's solicitor, who, with all imaginable address, put them in mind, with what candour his majesty had proceeded in that and all other things, which related to the administration of justice to all his people: and that however he was persuaded within himself of the justice, as well as the necessity of levying Ship-Money, he would not send out a writ for the doing thereof, till he received the affirmative advice of all the judges in England: and when the payment thereof was opposed by a gentleman, whom he then took occasion to stroke and command, for his great temper and moderation to that suit) the king was very well contented that all the judges of England should determine the right. That never any cause had been debated and argued more solemnly before the Judges, who, after long deliberation amongst themselves, and being attended with the Records, which had been cited on both sides, delivered each man his opinion and judgment publickly in court; and so largely, that but two Judges argued in a day. And, after all this, and a Judgment with that solemnity pronounced for the king, by which he was so legally possessed of that right, as of any thing else he had: that any particular man should presume to speak against it with that bitterness, as to call it an 'Abomination,' was very offensive and unwarrantable: and desired that the gentleman, who had used the expression, might explain himself, and then withdraw." On this speech several of the members were for calling Peard to the bar; and he hardly got off without a severe reprimand. Which affair the noble historian mentions, chiefly to shew the temper and sobriety of the house, and that their dissolution, afterwards, was the more to be lamented.

Our author next proceeds to relate the several transactions, in the succeeding days, pretty much as they are given in Rushworth and the Journals, till he comes to the debates on the king's Message for Supply; where he mentions the particular Subsidies he wanted. On which account, he says, "Mr. Hampden, the most popular man in the house, in regard of his singly opposing Ship-Money, thought it [illegible] Whether the

house would consent to the proposition made by the king, as it was contained in the message? Which would have been sure to have found a negative from all who thought the sum — great, if were not pleased that it should be given in recompence for Ship Money. We shall give the noble author's own words for the rest; observing that, when he mentions Mr Hyde, it is himself he speaks of, who seems to have had a great sway, and to have been well heard, in the house, at that time.

"When many called to have this question, Serjeant Glanville, the Speaker, (who sat by amongst the other members whilst the house was in a committee, and had rarely used to speak in such seasons) rose up, and, in a most pathetical speech, in which he excelled, endeavoured to persuade the house 'To comply with the king's desire, for the good of the nation, and to reconcile him to parliaments for ever; which this seasonable testimony of their affections would infallibly do.' He made it manifest to them how very inconsiderable a sum 12 Subsidies amounted to, by telling them, 'That he had computed what he was to pay for those 12 Subsidies;' and when he named the sum, he being known to be possessed of a great estate, it seemed not worth any farther deliberation. And, in the warmth of his discourse, which he plainly discerned made a wonderful impression upon the house, he let fall some sharp expressions against the imposition of Ship Money, and the judgment in the point; which he said, plainly, 'Was against law, if he understood what law was,' (who was known to be very learned) which expression, how necessary and artificial soever to reconcile the affections of the house to the matter in question, very much irreconciled him at court, and to those on whom he had the greatest dependence."—There was scarce ever a speech that more gathered up and united the inclinations of a popular counsel to the Speaker and, if the question had been presently put, it was believed the number of the dissenters would not have appeared great: but, after a short silence, some men, who wished well to the matt, expressed a dislike of the way: so that other men recovered new courage, and called again, with some earnestness, 'That the question, formerly proposed by Mr. Hambden, should be put;' which seemed to meet with a concurrence. Mr. Hyde then stood up, and desired, 'That question might not be put;' and said, 'It was a captious question, to which only one sort of men could clearly give their vote; which were they who were for a rejection of the king's Proposition, and no more resuming the debate upon that subject: but that they, who desired to give the king a Supply, as he believed most did, though not in such a proportion, nor, it may be, in that manner, could receive no satisfaction by that question; and therefore he proposed, to the end that every man might frankly give his Yea, or his No, that the question might be put, only, upon the giving the king a Supply; which being carried in the affirmative, another question might be upon the proportion and manner, and if the first were carried in the negative, it would produce the same effect as the other question, proposed by Mr Hambden, would do.' This method was received by some with great approbation, but opposed by others with more than ordinary passion, and diverted by other propositions, which, being seconded, took much time without putting to any conclusion. In the end Serjeant Glanville said, 'That he had been a question proposed by his countryman that agreed very well with his sense, and moved, 'That the gentleman might be called upon to propose it again.' Mr. Hyde stated the case again as he had done, answered somewhat that had been said against it, and moved, 'That question might be put.' Whereupon for a long time there was nothing said, but a confused clamour and call 'Mr Hambden's Question,' 'Mr Hyde's Question,' the call appearing much stronger for the last than the former and it was generally believed that the question had been put and carried in the affirmative, though it was positively opposed by Herbert, the solicitor-general, for what reason no man could imagine, if Sir Henry Vane, the secretary, had not stood up and said, 'That as it had been always his custom to deal plainly and clearly with that house in all things, so he could not but now assure them, That the putting and carrying that question could be of no use; for that he was most sure, and had authority to tell them so, That if they should pass a vote for the giving the king a Supply, it if were not in the proportion and manner proposed in his majesty's Message, it would not be accepted by him; and therefore desired that question might be laid aside.' Which being again urged by the solicitor general, upon the authority of what the other had declared; and the other privy-counsellors saying nothing, though they were much displeased with the secretary's averment, the business was no more pressed but it being near five o'clock in the afternoon, and every body weary, it was willingly consented to, that the house should be adjourned till the next morning."

"Both sir Henry Vane, and the solicitor general, whose opinion was of more weight with the king than the others, had made a worse representation of the humour and affection of the house than it deserved; and undertook to know, that if they came together again, they would pass such a vote against Ship-Money as would blast that revenue and other branches of the receipt: which others believed they would not have had the confidence to have attempted; and very few, that they would have had the credit to have compassed. What followed in the next parliament, within less than a year, made it believed, That sir Henry Vane acted that part maliciously, and to bring all into confusion; he being known to have an implacable hatred against the earl of Strafford,

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heuten out of Ireland, whose destruction was then upon the march. But what transported the solicitor, who had none of the ends of the other could not be imagined, except it was his pride and peevishness, when he found he was like to be of no authority there than he looked to be, and yet he was heard with great attention, though his parts were most prevalent in puzzling and perplexing that then were the meant to cross. Yet their motives he will they would, they did, and their ends, wrought so much with the king that without so much debate or consideration of the matter of his message, the next morning, which was on the 5th of May, near a month after the dissolution, sent for the Speaker and commanded him, [illegible] that he should go directly to the House of Peers, upon some urgent occasion, that he had to impart to the house. I cannot tell what could have occasioned such unseasonable distrust, which the king had not touched upon, and then sending for that House to attend him, the keeper, by his majesty's command, dissolved the parliament."

"The world was at a great stand upon the speech of the whole nation, that the House of Commons had not much of the misery of the dissolution at all fell on them. They could never be together more sober and discreet in the manner of their carriages together in that place, how much soever all purposes with them were spoiled and rendered unserviceable to the king. Nor could any man imagine what advantage they had given to put the king upon that resolution, that was observed, that in the countenances [illegible] that almost appeared at all that was displeasing to his majesty, there was a marvellous satisfaction; nor could they conceal the joy that they had, for they knew enough at which, upon cooling, they could conclude that the king would be forced to call another parliament, and they were sure, that so many, so well qualified men, would never be elected again.—Within an hour after the dissolving, Mr Hyde met Mr Strode (a man who had naturally a grave, choleric [illegible] countenance, very seldom was known to smile) in the hall and had a most cheerful aspect and, seeing the other melancholic, as much the reverse of his heart, asked him, 'What troubled him?' Who answered, 'Did he not see the devil in the hall?' Hyde, he believed troubled most gentlemen; that in such a time of confusion, as was a parliament, which alone could have found remedies for it, was so unseasonably dismissed.' The other answered with a little warmth, 'That all was well, and that it must be worse before it could be better; and that this parliament could never have done what was necessary to be done.' as indeed it would not, what he and his friends thought necessary."

Lord Clarendon further tells us, "That when the king had reflected on what he had done, and what was like to fall out; and was better informed of the temper and duty of this house of commons, and that they had voted a Supply, if sir Hen. Vane had not hindered it, by so positive an assertion, 'That the [illegible] would refuse it; he was heartily sorry for what he had done, and declared, with great anger, 'That he had never given him such authority;' and that he well knew the giving him any [illegible] would have been a welcome to him, because the reputation of this subject's assisting him, in any conjuncture, was all that he looked for and desired.' Thus the king consulted the next day, whether he might, by his Proclamation recall them to meet together again, but finding that impossible, he went upon new experiments for raising money without them, which he had such wonderful success, that, in less than 3 weeks, by the voluntary Loan of particular lords of the council, and of other private gentlemen about the city, there was [illegible] 300,000*l.* paid into the exchequer for his majesty's use. A sum, adds our author, that sufficiently manifests the plenty of the nation, and greater than most princes in Europe could have commanded at so short warning; and was an unanswerable argument, that the hearts of all his subjects were not then alienated from their duty to their King, or his just [illegible] but his discontents."

Proceedings after the Dissolution.

Before we enter upon the proceedings of the next parliament, it is necessary to lay a little particular before the reader of those affairs, which happened after the Dissolution of the last. The day after it was dissolved, warrants were sent out from the council for searching the study and pockets of the lord Brooke, on a great suspicion that he held a correspondence with the Scots. Sir Henry Bellasis and sir John Hotham, two Yorkshire baronets were also secured before the council, who, refusing to answer to questions, about matters done in parliament, were committed to the Fleet. Mr. Crew, another member also, and chairman to the committee on Religion, for refusing to deliver the Petitions and Complaints, made to the committee, on those matters, was sent to the Tower.

Though the parliament was dissolved, the king ordered the Convocation to sit still; which occasioned a new dispute, in pamphlets; some arguing that both those assemblies were to end together; others to the contrary; for that the writ, for calling the Convocation, ran for their continuance durante bene placito regis. And the sages of the law being consulted, they gave it, 'That the Convocation, called by the king's writ, was not to dissolve but by the king's writ, notwithstanding the dissolution of the parliament.' Some synodical affairs were done here; as the Imposition of a new Oath, to support Episcopacy and the present Church-Government; which they did, in opposition to the lay-elders in Scotland, who had framed a Covenant for the destruction of it. But this, and some other matters, must have been done in fear and trembling; for the king was forced to set a guard about Westminster-abbey, during their whole sitting. The abp. Canterbury's palace was assaulted in the night, by above 300 apprentices, in which, if he had not

[illegible] [illegible] [illegible] [

[illegible] such defence, might have fallen [illegible] particular fury, without the form [illegible] and [illegible] Council.

While these things were in agitation, the king [illegible] increasing another army, in order [illegible] the invasion of the Scots, but [illegible] these preparations were, by both, the [illegible] Newburn on the banks of the river [illegible] the Scots passage, under them [illegible] Newcastle and Durham, and [illegible] them. The last operation [illegible] much dismayed the king's [illegible] still a very good army on foot [illegible] were very perplexed and [illegible] was wanting; and, since [illegible] but resolved to grant it an [illegible] some sheriffs were redressed, in [illegible] which the king had been persuaded [illegible] his majesty was now [illegible] money at the Spanish [illegible] concerned in the bullion, then [illegible] to the amount of 10,000l. But the [illegible] which spurred his army only [illegible] because the king was now driven [illegible]

Petitions for the king to call another Parliament. This unhappy situation of affairs produced two Petitions to the king, (the one from several Peers, and the other from the city of London) complaining of Grievances and recommending the Calling of a Parliament as the only remedy for them. The Petitions were presented to the king at York, and were in these words:

"To the king's Most Excellent Majesty. The humble Petition of your majesty's most loyal and obedient subjects, whose names are here under-written, in behalf of themselves and divers others.

"Most gracious sovereign; The sense of that duty and service, which we owe unto your sacred majesty, and our earnest affection to the good and welfare of this your realm of England, have moved us, in all humility, to beseech your royal majesty to give us leave to offer unto your most princely wisdom, the apprehension which we, and other your faithful subjects, have conceived of the great distempers and dangers now threatening the church, the state, and your royal person, and the fittest means by which they may be prevented.—The Evils and Dangers wherein your maj. may be pleased to take notice, are these; 1 That your sacred maj. is exposed to hazard and danger, in the present expedition against the Scots army; and, by the occasion of the war, your revenue is much wasted, your subjects burthened with loan and conduct money, billetting of soldiers, and other military charges; and divers rapines and disorders committed in several parts in this your realm, by the soldiers raised for that service: and your whole kingdom become full of fear and discontent. 2 The sundry Innovations, in matters of Religion; the oath and canons lately imposed upon the clergy, and [illegible] your majesty's subjects. 3. The great increase of Popery and [illegible] obeying of popish recusants, and [illegible] to the religion by law established, [illegible] power and trust, and especially [illegible] of men and arms, both at the [illegible] in this realm, where [illegible] they are not permitted to have [illegible] in their own houses. 4 The great [illegible] which may fall upon this kingdom, [illegible] intentions, which have been credibly [illegible] of bringing in of Irish forces shall be [illegible]. The urging of Ship-Monies, and [illegible] sheriffs in the Short [illegible] during [illegible]. 6 The heavy charges of Merchandize, to the discouragement of trade; the multitude of Monopolies, and other patents, whereby the commodities and manufactures of the kingdom are much prejudiced, to the great and universal grief [illegible] of your people. 7 The great grief of your subjects, by the Intermission of Parliaments, in the late and former dissolving of such as have been called; with the hopeful effects which, otherwise, they might have produced — For a Remedy whereof, and prevention of the danger that may ensue to your royal person, and to the whole state, we do, in all humility and faithfulness, beseech your most excellent majesty that you would be pleased to summon a parliament within some short and convenient time, who only can cure these, and other grievances, which your poor petitioners do lye under, may be taken away; and the authors and counsellors of them, may be there brought to such legal trial and condign punishment, as the nature of the offence does require; and that the present war may be composed, by your majesty's wisdom, without bloodshed, in such manner as may conduce to the honour and safety of your majesty's person, the content of your people, and continuance of both your kingdoms against the common enemy of the reformed religion. (Signed) Bedford, Essex, Hertford, Warwick, Bristol, Mulgrave, Say and Seal, Howard, Bolingbrooke, Mandeville, Brooke, Paget."

"To the king's most Excellent Majesty. The humble Petition of your majesty's subjects the Citizens of London.

"Most gracious sovereign, Being moved with the duty and obedience, which, by the laws, your predecessors owe unto your sacred majesty, they humbly present unto your princely and pious wisdom, the several pressing Grievances following, viz. 1 The pressing and unusual Impositions upon Merchandize imported and exported, and the urging and levying of Ship-Money, notwithstanding both which, merchants ships and goods have been taken and destroyed, both by Turkish, and other pirates. 2 The multitude of Monopolies, Patents, and Warrants; whereby trade in this city, and other parts of the kingdom, is much decayed. 3 The sundry Innovations in matters of Religion. 4 The Oath and Canons lately enjoined by the Convocation; whereby your petitioners are in danger to be deprived

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of their ministers. 5 The great concourse of papists, and their inhabitations in London, and the suburbs, whereby they have more means and opportunity of plotting, and executing their designs, against the religion established. 6 The seldom calling, and sudden dissolutions of Parliaments, without redress of your subjects grievances. 7. The Imprisonment of divers citizens for nonpayment of Ship-Money, and Impositions; and the prosecution of many others in the Star-chamber, for not conforming themselves to commissioners in patents of Monopolies; whereby trade is restrained. 8. The great danger your sacred person is exposed unto in the present war, and the various fears that seized upon your petitioners, and their families, by reason thereof; which grievances and fears have occasioned so great a stop and distraction in trade, that your petitioners can neither buy, sell, receive, or pay as formerly, and tends to the utter ruin of the inhabitants of the city, the decay of navigation and cloathing, and the manufactures of this kingdom.—Your humble petitioners conceiving, that the said Grievances are contrary to the laws of this kingdom; and finding, by experience, that they are not redressed by the ordinary course of justice, do therefore, most humbly, beseech your most sacred maj. to cause a Parliament to be summoned with all convenient speed; whereby they may be relieved in the premises. And your petitioners and loyal subjects shall ever pray, &c."

These Petitions, we are told, were delivered to the king at York; but, before he received them, his majesty had issued out writs for summoning a great council of the peers to convene in that city, on the 24th of September following: therefore, for Answer to the Petition of the Lords, his majesty commanded them to offer what they had to propose for his honour and the safety of the kingdom, in that council.

Petition from the Scots Commissioners to the same Purpose.] About this time also the Scots sent a Petition from their army to the king, but directed to the earl of Lauerk, secretary of state for Scotland; which was delivered to his majesty and answered by him, in the form following.

"To the king's most excellent majesty: The humble Petition of your Commissioners of the Late Parliament, and others of your majesty's most Loyal Subjects of the kingdom of Scotland.

"Humbly sheweth; That whereas through many sufferings in the time past, extreme necessity hath constrained us, for our rebels, and obtaining our humble and just desires, to come into England; where, according to our intentions formerly delivered, we have, in all our convoy, lived upon our own means, victuals, and goods brought along with us; and neither troubling the peace of the kingdom of England, nor hurting any of your majesty's subjects, of whatsoever quality in their persons or goods; having carried ourselves as in those peaceable manner, till we were pressed, by stress of arms, to put such forces out of the way, as did without our deservings, and (as some of them at the point of death have confessed) against their own consciences, opposed our peaceable passage at Newburn upon Tyne, and have brought their own blood upon their own heads, against our purposes and desires, expressed in letters sent to them at Newcastle for preventing of the like, or greater inconveniences, and that, without further opposition, we may come to your majesty's presence, for obtaining from your majesty's justice and goodness, full satisfaction to our just demands; we, your majesty's most humble and loyal subjects, do persist in that most humble and submissive way of petitioning which we have kept from the beginning; and from the which, no provocation of your majesty's enemies and ours, no adversity we have hitherto sustained, no prosperous success that can befal us, shall be able to divert our minds; most humbly entreating, that your maj. would, in the depth of your royal wisdom, consider at least our present Grievances; provide for the repair of our wrongs and losses; and, with the advice of the states at the kingdom of England, convened by parliament, settle a firm and durable peace against all invasions by sea and land; that we may, with chearfulness of heart, pay unto your maj. as our native king, all duty and obedience, that can be expected from loyal subjects, against the many and great evils which at this time threaten both kingdoms; whereat all your majesty's good, loyal, and loving subjects tremble to think, and which we unanimously beseech God Almighty to avert, that your majesty's throne may be established, in the midst of us, in religion and righteousness.—Your majesty's Answer we humbly desire, and earnestly wait for."

According to the prayer of this Petition, the king sent an Answer as follows;

"At the Court at York, Sept. 5. 1640. His majesty hath seen and considered this within-written Petition, and is graciously pleased to return this Answer by me, That he finds it in such general terms, that till you express the particulars of your desires, his maj. can give no direct Answer thereunto wherefore his maj. requireth, that you would set down the particulars of your demands with expedition; he having been always ready to redress the Grievances of his people. And for the more mature deliberation of the weighty affairs, his maj. hath already given out summons for the meeting of the peers of this kingdom in the city of York, the 24th day of this month, where with the advice of the peers, you may receive such Answer to your Petition, as shall wholly tend to his honour, and the peace and welfare of his dominions. And, in the mean time, the peace he what you so much desire, as you pretend, he expects, and by this his royal commands, That you advance no further with your army into these parts; which is the only thing that is left, for the present, to preserve

peace between the two nations, and to bring these unhappy differences into a reformation, which none is more desirous of than his most sacred majesty. LANERK."

A Meeting of the Peers at York.] Whilst things were in this untoward situation the great Assembly of Peers met at York. Lord Clarendon writes, "That this assembly of the peers was a new invention, not before heard of, or so old, that it had not been practised, in England, for some hundreds of years. And that the grounds and intentions of this parliamentary summons was never known." But adds, "That it probably was the result of troubled and afflicted thoughts, since no other way in that time occurred."—The king's whole army, consisting of 14,000 foot and 3000 horse, was then in York, or were quartered in the villages round it. Several more petitions, from different counties, were now also presented to the king; all tending to advise him to call a parliament, as the only way to compose the difference between the two kingdoms.

The king's Speech to the Peers.] The time appointed by the king's writ for the grand Assembly of the Peers being come, a great number of them met at York; and, on the 24th of Sept. this Convention was opened in the Hall of the Deanery House, within the Close of the Cathedral; which was richly ornamented with tapistry, &c. for that purpose.* The king's chair of state was placed upon the half-pace at the stairs, at the upper end of the Hall; from whence his maj. delivered himself in the following speech to them

"My lords; Upon sudden invasions, where the dangers are near and instant, it hath been the custom of my predecessors to assemble the Great Council of the peers, and, by their advice and assistance, to give a timely remedy to such evils, which could not admit a delay so long, as must of necessity be allowed for the assembling of the parliament. This being our condition at this time, and an army of rebels lodged within this kingdom, I thought it most fit to conform myself to the practice of my predecessors in like cases: that, with your advice and assistance, we might justly proceed to the chastisement of these insolencies, and settling of an good subjects.—In the first place, I must let you know, that I desire nothing more, than to be rightly understood of my people. And, to that end, I have of myself resolved to call a parliament; having already given order to my lord keeper to issue the writs instantly, so that the parliament may be assembled by the 3rd of November next: whether if my subjects bring those good affections which become them towards me, I shall not fail on my part to make it a happy meeting. In the mean time, there are two points wherein I shall desire your advice, which indeed were the chief cause of your meeting. First, What Answer to give to the Petition of the Rebels, and in what manner to treat with them. Of which, that you may give a sure judgment, I have ordered that your lordships shall be clearly and truly informed of the state of the whole business, and upon what reasons the advices that my privy-council unanimously gave me, were grounded. The second is, How my army shall be kept on foot and maintained, until the Supplies of a parliament may be had. For so long as the Scots army remains in England, I think no man will counsel me to disband mine: for that would be an unspeakable loss to all this part of the kingdom, by subjecting them to the greedy appetite of the rebels, besides the unspeakable dishonour that would thereby fall upon this nation."

A Treaty with the Scots at Ripon.] Lord Clarendon tells us, That when the Scots Petition came to be read, which was one of the first things the king ordered, it necessarily begat a Treaty. The Scots had always given the king as good and as submissive words as can be imagined. And this Petition, full of as much submission as a victory itself could suggest, as was urged by some lords, produced a treaty; and 16 of the English peers, then assembled, were appointed for it. These commissioners, to give no umbrage to the Scots, were chosen out of those lords, who were well affected to a Parliament, and no bitter enemies to the Covenanters. York was the place mentioned by the king for the Treaty, which the Scots would not consent to, giving for reason, That it was not a secure place for them, since their great enemy, the earl of Strafford, commanded there in chief, who had proclaimed them traitors in Ireland, before the king had done it in England, threatening to destroy their memory; against whom they had high matters of complaint: so Ripon was nominated by them, and agreed to by the king.—The treaty being opened, the great council of the peers continued still to meet; and took into consideration the king's second Proposition, concerning the keeping in of and paying his forces, and being acquainted by the lord Strafford, that it would be 850*l.* a day to support them, it was resolved, That this sum should be borrowed of the city of London, and a letter from the lords was prepared and sent accordingly.

From the 24th of Sept. to the 18th of Oct. following, did the king and his great Council of Peers continue to sit as usual; the commissioners, from time to time, repairing to York, to acquaint them how they proceeded: but it all ended in nothing; for, as Whitlocke remarks, "Too many not only favouring, but joining with, and assisting the proceedings of the Scots Covenanters, the king was persuaded to remove the Treaty to London, and subject the country still to pay a contribution of 850*l.* a day, till all was concluded on. At which many wondered, and some inveighed against this Treaty, wishing the king would have put it rather to the issue of a battle; than to have given such terms to his subjects in rebellion; and of this judgment was Strafford and the

* Drake's Eboracum, p. 139.

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episcopal party But the other party cryed up this treaty, as 'just, honourable, and pious, to prevent effusion of blood, and to settle peace:' and the king saw plainly, that both divers officers of his army, and even the private soldiers generally (which was a most remarkable inclination) had no mind to fight against the Scots; which chiefly caused the king to conclude the Treaty."

A New Parliament called.] Whilst this Assembly sat at York, the king had determined to summon a Parliament; and writs were accordingly issued out for one to meet on the 3d of November.—The Treaty at Ripon being adjourned, as before mentioned, the king and his lords came to London, in order to meet that Parliament, which will ever be remarkable in English History a parliament, which many, before that time, though would never have had a beginning, and afterwards, think it would never have had an end.

Nov. 3, 1640, the parliament met at Westminster, pursuant to the King's writs for that purpose. Before we begin our account of their proceedings, it may not be improper to give a List of the Members of both Houses:

A STATE of the PEERAGE at this time, distinguishing how much the number of Peers was increased since the Accession of the Stuart Family to the Crown Extracted from the Lords Journals, Dugdale's Baronage, and other Authorities.

*** The Peers with an o. prefixed to their names, were such as took part with the King against the Parliament, after the War broke out, according to the List printed at Oxford by his Majesty's Order.

DUKE.

George Villiers, duke, marquis, and earl of Buckingham, earl of Coventry, visc. Villiers, and baron of Whaddon, infra ætat.

MARQUIS.

o. John Pawlet, marq. of Winchester, earl of Wiltshire, and lord St. John of Basing

EARLS.

o. Thos. Howard, earl of Arundel and Surry, earl marshal of England, lo. Howard, Mowbray, Segrave, Brose of Gower, Fitz-Allan, Warren, Clun, Oswaldstree, Maltravers, and Graystock, k. g.

Awbery Vere, earl of Oxford, lord Bulbeck, Sandford, and Badlesmere.

Algernon Percy, earl of Northumberland, lord Percy, Lucy, Poynings, Fitz-Payn, Bryan, and Latimer, knight of the garter, lord high admiral.

o. John Talbot, e. of Shrewsbury, lord Talbot, Strange of Blakemere, Giffard of Brimsfield, Furnival, Verdun, and Lovetot.

Anthony De Grey, e. of Kent, lord Grey of Ruthen, Hastings, Valentice, and Westford

o. Wm. Stanley, earl of Derby, lord Stanley, Strange of Knocking, lord of Man and the Isles, k. g.

o. Henry Somerset, earl of Worcester, lord Herbert of Chepstow, Raglan, and Gower.

George Manners, earl of Rutland, lord Ross of Hamelake, Belvoir and Trusbut.

o. Francis Clifford, earl of Cumberland, lord Clifford, Westmoreland, and Vescy.

Edward Ratcliffe, earl of Sussex, visc. Fitz-Walter, lord Egremont and Burnel.

o. Hen. Hastings, e. of Huntingdon, l. Hastings, Hungerford, Botreaux, Moules, and Hungerford.

o. Hen. Bourchier, e. of Bath, and l. Fitz-Warin.

o. Thomas Wriothesley, earl of Southampton, and Baron Wriothesley of Tichfield.

Francis Russell, earl of Bedford, and lord Russel of Thurnhaugh

Philip Herbert, e. of Pembroke and Montgomery, baron Herbert of Cardiffe and Shurl, lord Parre and Ross of Kendal, Hugh, Marmion, and St. Quintin, lord chamberlain of the king's household, and k. g.

o. William Seymour, earl of Hertford, viscount Beauchamp, and baron Seymour

Robert Devereux, e. of Essex and Eu, viscount Hereford and Bourchier, lord Ferrers Chartley, Bourchier, and Lovain.

Theoph. Fynes, e. of Lincoln and lord Clinton

Charles Howard, earl of Nottingham, and Howard of Effingham.

EARLS made since the first of King JAMES.

Theophilus Howard, earl of Suffolk, lord Howard of Walden, and knight of the garter.

o. Edward Sackville, earl of Dorset and baron Buckhurst, knight of the garter, and lord chamberlain to the queen.

William Cecil, earl of Salisbury, viscount Cranborne, and Baron Cecil of Essenden, k. g.

Wm. Cecil, e. of Exeter, baron Burghley, k. g.

Robert Carre, earl of Somerset, viscount Rochester, and baron of Branspeth, k. g

John Egerton, earl of Bridgewater, visc. Brackley, and baron Ellesmere, lord president of Wales.

o. Robert Sidney, earl of Leicester, viscount Lisle, baron Sidney of Penshurst.

o. Spencer Compton, earl of Northampton, baron Compton of Compton.

Rob. Rich, e. of Warwick, and l. Rich of Leez

o. William Cavendish, earl of Devonshire, and baron Cavendish of Hardwick, infra ætat.

James Hamilton, earl of Cambridge, marquis of Hamilton, e. of Arran, baron of Even and Aberbrothwick, master of the horse to the king, k. g.

n. James Stuart, earl of March, and baron of Leighton-Bromeswold; also duke of Lenox, lord Aubigny, Darnley, Methven, and Andrews, k. g

o. James Hay, earl of Carlisle, viscount Doncaster, lord Hay of Sauley.

William Fielding, earl of Denbigh, and baron Fielding of Newnham-Paddocks

o. John Digby, earl of Bristol, and baron Digby of Sherborne.

Lionel Cranfield, earl of Middlesex, and baron Cranfield of Cranfield.

Charles Villiers, earl of Anglesey, and baron of Daventry.

Henry Rich, earl of Holland, baron of Kee-
[illegible] n, and k. g.
[illegible] n Holles, earl of Clare, lord Haughton
Haughton.
[illegible] er St. John, earl of Bollingbroke, and lord
John of Bletshoe
[illegible] y Earle, earl of Westmoreland, lord le
Despencer and Burghersh
William Knowles, earl of Banbury, visc. Wal-
lingford, and lord Knowles of Greys.

EARLS made since the first of King CHARLES

Hen Montague, earl of Manchester, viscount Mandeville, and baron of Kimbolton, lord privy seal.
Thos Howard, e. of Berkshire, visc Andover, and Lord Howard of Charleton, k. g.
o. Thos Wentworth, e. of Cleveland, and lord Wentworth of Nettlested.
Edm. Sheffield, e. of Mulgrave, and lord Sheffield of Butterwick, k. g.
Henry Danvers, e. of Danby, lord Danvers of Dantsey, k. g.
Henry Cary, e. of Monmouth, and lord Cary of Lepington.
o James Ley, earl of Marlborough, and lord Ley of Ley.
o. John Savage, e. Rivers, visc. Colchester and Rock-Savage, and lord Darcy of Chich.
Robert Bertie, earl of Lindsey, and lord Willoughby of Eresby, lord great chamberlain of England, and k. g
o Wm Cavendish, earl of Newcastle, visc. Mansfield, l rd Bolsover, and Ogle
o. Henry Carey, earl of Dover, visc Rochford, and lord Hundon.
o. John Mordaunt, earl of Peterborough, and lord Mordaunt of Turvey
Henry Grey, earl of Stamford, lord Grey of Groby, Bonville, and Harrington.
Thomas Finch, earl of Winchelsea and viscount Maidstone
Rob Pierrepont, e. of Kingston upon Hull, visc Newark upon Trent, and lord Pierrepont of Holme-Pierrepont.
o. Rob. Dormer, e of Carnarvon, visc. Ascot, and lord Dormer of Wing
o. Mountjoy Blunt, earl of Newport, lord Mountjoy of Thurleston, also baron Mountjoy in Ireland.
o. Philip Stanhope, e. of Chesterfield and lord Stanhope of Shelford
John Tufton, earl of Thanet, and lord Tufton of Tufton.
o. Ulrick de Burgh, e of St Albans, viscount Tunbridge, and baron of Somerhil, also e. of Clanrickard, visc. Galway, and baron of Imanney, in Ireland.
o. Jerome Weston, e. of Portland, lord Weston of Neyland.
Thos. Wentworth, e. of Strafford, visc. Wentworth, baron Wentworth of Wentworth, Woodhouse, Newmarch, Oversley and Raby, lord lieutenant of Ireland.

VISCOUNTS.

o Francis Brown, visc. Montague, of Cowdrey.

VISCOUNTS made by King JAMES.

John Villiers, viscount Purbeck, and baron of Stoke-Pogeis
Wm. Fiennes, visc. and baron Say and Sele.

VISCOUNTS made by King CHARLES

o Edw Conway, visc. and baron Conway, of Ragl y, also visc. Killultagh in Ireland
o Edw. Noel, visc. Camlsden, baron Noel of Rudlington, and baron Hickes of Elmington.

BISHOPS.

Wm Laud, abp of Canterbury
Richard Neile, abp of York
William Juxton, bp of London, and lord high treasurer of England.
Thomas Morton, bp. of Durham
Walter Curle, bp. of Winchester
John Thornburgh, bp. of Worcester.
John Bridgeman bp. of Chester.
John Williams, bp of Lincoln.
John Davenant, bp. of Salisbury.
Rob Wright, bp of Coventry and Litchfield.
Godfrey Goodman, bp of Gloucester.
Joseph Hall, bp. of Exeter.
Richard Montague, bp. of Norwich.
Barnabas Potter, bp. of Carlisle
John Owen, bp of St Asaph.
William Pierce, bp of Bath and Wells
John Bancroft, bp. of Oxford
George Coke, bp. of Hereford.
Matthew Wren, bp. of Ely, dean of his majesty's chapel royal.
Roger Manwaring, bp. of St. David's.
Robert Skinner, bp of Bristol.
William Roberts, bp of Bangor.
John Warner, bp of Rochester
Brian Duppa, bp. of Chichester.
John Towers, bp of Peterborough.
Morgan Owen, bp of Llandaff

BARONS

Henry Howard, lord Mowbray and Maltravers, eldest son to Thomas e arl of Arundel.
Hen Clifford, l rd Clifford, only son of Francis earl of Cumberland
Henry Nevil, lord Abergavenny
James Touchet, lord Audley, of Heighleigh; earl of Castlehaven, in Ireland.
James Stanley, lord Strange, eldest son of William earl of Derby.
Charles West, lord Delaware, infra retat.
Geo Berkeley, l. Berkeley, of Berkeley-castle.
o. Henry Parker, l rd Morley and Monteagle.
Richard Lennard, l rd Dacres
Edward Sutton lord Dudley, of Dudley-castle.
o Conyers D'Arcy, lord D'Arcy and Conyers
o William Stourton, lord Stourton, of Stourton
Edward Vaux, lord Vaux, of Harrowden
Thomas Windsor, l. Windsor, of Bradenham
o. Thomas Cromwell, lord Cromwell, of Oakham
n William Eure, lord Eure, of Witton
Philip Wharton, lord Wharton, of Wharton
Wm Willoughby, lord Willoughby, of Parham
o William Paget, lord Paget, of Beaudesert
Dudley North, lord North, of Cartlege.
o George Bruges, lord Chandos, of Sudley

BARONS made by King JAMES.

William Petre, lord Petre, of Writtle.
Dutton Gerrard, lord Gerrard, of Gerrard's Bromley.
Wm Spencer, l Spencer, of Wormleighton
e. Charles Stanhope, l. Stanhope, of Harrington
o. Thomas Arundel, lord Arundel, of Wardour.
Christ. Roper, lord Teynham, of Teynham.
Edw. Montague, lord Montague, of Kimbolton, eldest son of Hen earl of Manchester
Basil Fielding, lord Fielding, of Newnham-Paddocks, eldest son of Wm e. of Denbigh
Rob Greyil, lord Brook, of Beauchamp-Court
o. Edw. Montague, l Montague, of Boughton.
William Grey, lord Grey, of Wark.
o Francis Leake, lord Delincourt, of Sutton.
John Roberts, lord Roberts, of Truro.

BARONS made by King CHARLES.

o. William Craven, lord Craven, of Hamsteed-Marshal
o Thos Bellasis, l Fauconberg, of Yarmouth.
o. John Lovelace, lord Lovelace, of Hurley.
o. John Pawlet, l. Pawlet, of Hinton St George.
William Harvey, lord Harvey, of Kidbrooke, and baron Harvey of Ross, in Ireland
o Thomas Brudenel, lord Brudenel, of Stanton.
Wm. Maynard, lord Maynard, of Estaynes, and lord Maynard of Wicklow, in Ireland
o Thos. Coventry, l Coventry, of Alesburough.
Edw. Howard, lord Howard, of Eskricke.
o. Geo Goring, l Goring, of Hurst-Pierepoint.
o. John Mohun, lord Mohun, of Okehampton
o. Thos. Saville, lord Saville of Pontefract, and viscount Saville, in Ireland.
John Boteler, lord Boteler, of Bramfield.
o Francis Leigh, lord Dunsmore.
o William Herbert, lord Powys, of Powys
o. Edw Herbert, ld. Herbert, of Cherbury, and lord Herbert of Castle-Island, in Ireland.
o. Francis Cottington, lord Cottington, of Hanworth, master of the court of wards, and chancellor of the exchequer.
John Finch, lord Finch, baron of Fordwich, lord-keeper of the great seal of England.
o Montague Bertie, lord Willoughby of Eresby, eldest son of Robert earl of Lindsey
o. Ferdinando Hastings, lord Hastings, eldest son of Henry earl of Huntingdon.

PEERS created, or advanced in Peerage, after the Opening of the Parliament. EXTRACTED from the Lords' Journals.

o. William Howard, baron of Stafford, created viscount Stafford, Nov. 11, 1640.
o. Charles Howard, lord Howard of Charlton, eldest son of Thomas earl of Berkshire, called up by writ, Nov. 16, 1640.
o. Thomas Wentworth, lord Wentworth of Nettlested, eldest son of Thomas earl of Cleveland, called up by writ, Nov. 25, 1640.
John Cary, lord Honsdon, eldest son of Hen. e. of Dover, called up by writ, Nov. 27, 1640.
o. Henry Pierepont, lord Pierepont of Holme-Pierepont, eldest son of Robert e. of Kingston, called up by writ, Jan. 12, 1640.
o Rob. Rich, lord Rich of Lees, eldest son of Robert earl of Warwick, called up by writ, January 27, 1640.
Charles Longueville, lord Grey of Ruthen, called up by writ, Feb 6, 1640.
o. Sir Fra Seymour, kt. brother to the marq of Hertford, created lord Seymour of Trowbridge, February 19, 1640.
o. Edw Littleton, lord keeper of the great seal, created baron of Munnslow, Feb 19, 1640.
Oliver St. John, lord St. John of Bletshoe, eldest son of Oliver earl of Bolingbroke, called up by writ, May 14, 1641.
o. Wm. Seymour, earl of Hertford, &c. created marquis of Hertford, June 3, 1641.
o. George Digby, lord Digby of Sherborne, eldest son of John earl of Bristol, called up by writ, June 9, 1641.
Thos. Bruce, e of Elgin, in Scotland, created baron Bruce of Whorlton, Aug. 2, 1641
o. Arthur Capel, created baron Capel of Hadham, August 5, 1641.
o James Stuart, earl of March, created duke of Richmond, August 8, 1641.

The following were either created Peers, or advanced in Peerage, after the time of the King's withdrawing himself from the Parliament in January 1641; and were not admitted to take their Seats as such till after the Restoration.*

18 CAROLI, 1642.

o. Edward Somerset, earl of Worcester, created marquis of Worcester, Nov. 2.
o. Thomas lord Fauconbridge, created viscount Fauconbridge of Henknowl, January 31.
o. Sir Richard Newport of High-Ercal, county of Salop, created baron Newport. Oct. 14.
o. John Craven, esq. created baron Craven of Ryton, county of Salop, March 21.

19 CAROLI, 1643.

o. James, second son to the king, created duke of York, January 27.
o. Prince Rupert, created earl of Holderness and duke of Cumberland, January 24.
o. William earl of Newcastle, created marquis of Newcastle, October 27.
o. Henry lord Spencer, created earl of Sunderland, June 2.
o. Rd e of Carbery, in Ireland, created baron Vaughan of Emlin, co. Caermarthen, Oct. 26.
o Henry Pierce, created baron Percy of Alnwick, co. Northumberland, June 28.
o. Henry Wilmot, created baron Wilmot of Adderbury, co. Oxon, June 29.
o Sir Thomas Leigh, created baron Leigh, of Stoneley, co. Warwick, July 1.
o Sir Christ Hattoo, created baron Hatton of Kirby, co. Northampton, July 29.
o. Sir Ralph Hopton, created baron Hopton of Stratton, county of Cornwall, Sept. 4.

* This Account is chiefly taken from a Catalogue of the Peers created by the King, since the 4th of Jan. 1641, till his Majesty's removal from Oxford, April 27, 1646. Printed for Thomas Walkley, with the license of the earl of Arundel, earl-marshal of England.

o. Hen. Jermin, created baron Jermin of St. Edmund's-Bury, county of Suffolk, September 8.
o. Hen. Hastings, created baron Loughborough of Loughborough, co. Leicester, Oct. 22
o. Sir John Byron, created baron Byron of Rochdale, county of Lancaster, Oct. 24.
o. Sir Ch. Smith, created baron Carrington of Wotton, co. Warwick, Oct. 31, and viscount Carrington, of Burrefore in Ireland, Nov. 24
o. Sir Wm. Widdrington, created baron Widdrington of Blakeney, county of Northumberland, November 10.
o. Humble Ward, esq. son of sir Wm. Ward, knt. created baron Ward of Birmingham, county of Warwick, March 23.

20 CAROLI, 1644.

o. Henry earl of Kingston, created marquis of Dorchester, March 25.
o. Thomas viscount Saville, in Ireland, created earl of Sussex, May 25.
o. Patrick Ruthen, e. of Forth in Scotland, created e. of Brentford, co. Middlesex, May 27
o. Francis lord Dunsmore, created earl of Chichester, June 3.
o. Thomas earl of Arundel and Surrey, created earl of Norfolk, June 6.
o. Rd earl of Cork, in Ireland, created baron Clifford of Londesburgh, co. York, Nov. 4.
o. George lord Goring, created earl of Norwich, November 28.
o. Sir Jo. Colepeper, created baron Colepeper of Thoresway, co. Lincoln, Oct. 21.
o. Sir Jacob Astley, created baron Astley of Reading, county of Berks, November 4.
o. Sir John Brook, created baron Cobham, county of Lincoln, January 3.
o. Sir John Lucas, created baron Lucas of Shenfield, county of Essex, January 3
o. John Bellasis, created baron Bellasis of Worlaby, county of Lincoln, January 27
o. Sir Lewis Watson, created baron of Rockingham, county of Northampton, Jan. 29.

21 CAROLI, 1645.

o. Bernard lord Aubigny, created baron Stuart of Newbery, county of Berks, and earl of Litchfield, December 10.
o. Francis ld. Dencourt, created earl of Scarsdale, county of Derby, November 21.
Robert e. of Leinster and visc. Cholmondeley of Kells in Ireland, created baron Cholmondeley of Wich-Malbank, co. Chester, Sept. 1.
o. Charles Gerrard, created baron Gerrard of Brandon, county of Suffolk, Nov. 8.
o. Robert Sutton, created baron Lexington of Aram, county of Nottingham, Nov. 21.

In April 1646, the king put himself into the hands of the Scots army after which time we find no more peers created in this reign.

LIST OF THE HOUSE OF COMMONS *

The List of the House of Commons, as given in all the Collections we have yet met with, appears to have been taken about two years after the opening of the session: the names of many members, originally returned, and who highly distinguished themselves in the subsequent debates, being wholly omitted. For this reason we have endeavoured to extract from the Journals all the several Alterations in that house, whether by advancement to peerage, undue elections, death, or expulsions, from the first meeting of the parliament, Nov. 3, 1640, to the forcible dissolution thereof by Cromwell, in 1653.—During the two first years of this parliament, writs were duly issued for supplying of vacancies: but from that time we meet with very few instances of any till after the Battle of Naseby, in June 1645. Within 12 months next following that event nearly 150 writs were issued, and these chiefly to supply the places of such members as had been disabled in 1642 and 3, for taking part with the king. Where we find the day on which any member was disabled from sitting in parliament, and the cause thereof, particularized in the Journals, they are so expressed; and the dates of their respective decease rest upon the authority of the printed Lists and Diaries of the times: but where the particular day of such decease or disablement is not mentioned, such member is found to be deceased or disabled only by the writ for electing his successor, which in most cases did not issue till some years after such vacancy.—We have also added some Distinctions to point out what party the several members adhered to after the breaking out of the war. By these the reader will see at one view who were the men that were for redressing of Grievances and restraining the Prerogative of the Crown within its just bounds, and who those were that, under that pretence, subverted the constitution, to advance their own ambitious purposes.—These Distinctions are grounded upon the following Authorities

c Those who subscribed the Solemn League and Covenant. From the Commons Journals.

o Such as left the Parliament, and joined the King at Oxford, where they formed the Convention or Anti-Parliament. From their Proceedings, printed there by Leonard Litchfield, with the king's authority.

s The Members imprisoned or secluded, as well as those that were seized on by the Army, Dec. 6 or 7, 1648, after having voted, the day before, 'That the King's Answers to the Propositions of both Houses were a ground for Peace.' From a pamphlet, intitled, 'A Vindication of the imprisoned and secluded Members, printed by M. Spark, and licensed by John Langley, Jan. 20, 1648.'

* Such of the Commissioners appointed for the Trial of the King as did not act at all. From the Ordinance of Parliament.

‖ Commissioners who occasionally attended, but did not sign the Warrant for beheading him. From Phelps's Journal of the High Court of Justice.

† Such as signed that Warrant. From the Original

* Taken from the Parliamentary or Constitutional History of England, vol. ix. p. 12.

The Members marked thus † are those who were elected in the places of those first returned, but as there are few instances in which we could exactly ascertain the time when these last were elected we have been obliged to content ourselves with extracting, from the Commons Journals, the days when the respective writs were ordered to be issued for such elections These, compared with the dates of the decease, expulsion, or disablement, will shew, in most instances, how long time each county, city or borough, were deprived of their representatives, and will also help to account for the thinness of the house between the years 1642 and 1645. And as we find several instances of writs being twice, and even thrice, issued for supplying the place of the same member, we suppose this to have been owing to the want of due obedience being given to the first writ by the proper officer, occasioned by the confusion of the times —Where writs were issued to supply the places of members disabled, and others were chosen in their places, after the breaking out of the War, though the matter amounted in fact to an expulsion, yet, as the Commons Journals, in these instances, make use of the term 'disabled,' we have therefore conformed ourselves to the style and language of those authorities

To prevent repetition, the letters w. i. stand for writs issued.

BEDFORDSHIRE

Tho lord Wentworth, eldest son of Tho, e. of Cleveland, called up to the house of peers, by writ, Nov. 25, 1640, vita patris,

c. s. Sir Oliver Luke, kt.

c. †. Sir Roger Burgoyne, bart.

Bedford T

c. Sir Beauchamp St. John, knt.

c. s. Sir Samuel Luke, knt. deceased

†. Rd. Edwards, esq., elected in Nov. 1650

BERKSHIRE

c. †. Henry Marten, esq. Aug 10, 1643, he was disabled from sitting in parliament, and committed prisoner to the Tower by the commons, for reflecting on the king and royal family; but, on the 2nd of Sept. following, discharged without paying any fees; and, upon a rehearing, Jan. 6, 1645, the censure against him was annulled, and ordered to be razed out of the Journal, and he was re-admitted into the house.

c. o. John Fettiplace, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party. w. i. June 5, 1643

† Sir Francis Pile, bart. deceased. w. i. Feb. 19, 1648. In his place

†. Philip e. of Pembroke and Montgomery,* who took his seat in the commons April 16, 1649, deceased in Feb. 1649.

†. Henry Neville, esq. elected in Feb 1649,

New-Windsor B.

Sir Thomas Roe, knt, and

Thomas Waller, esq. not duly elected, in their places

c. ‖. †. Cornelius Holland, esq

†. Wm. Taylor, esq. expelled May 27, 1641, declared incapable of ever being a member, and committed to the Tower, for saying, That the house of commons had committed murder with the sword of justice, in their prosecution of the earl of Strafford.

c. s. Richard Winwood, esq,

Reading B.

c. Sir Fran. Knowles, sen knt w. i May 3, 1643.

Sir Fran Knowles, jun. knt. deceased. w. i, Sep. 26, 1645.

†. Thanield Vachel, esq. not duly elected w. i. Nov 17, 1645, and rechosen

‡. †. Daniel Blagrave, esq ;

Abingdon B

c. o Sir Geo Stonehouse, bart. disabled Jan 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party. w. i. Sep 26, and Jan. 6, 1645

†. Jn. Ball, esq. deceased. w i May 3, 1643.

Wallingford B

c. Edmund Dunch, esq.

Anth. Barker, esq. their election declared void, but the former rechosen.

o. †. Tho. Howard, esq. disabled Jan. 22, 1643, for the same offence as the last, w. i. Sep. 15, 1646

s. †. Robert Packer, esq.

BUCKINGHAMSHIRE.

John Hampden, esq. killed at Chalgrave Field, in an engagement with prince Rupert, in June, 1643 w. i Oct 30, 1645

Arthur Goodwin, esq; died in May 1645. w. i. Oct 30, 1645.

† Edmund West, esq.

†. †. George Fleetwood, esq

Buckingham T.

c. * Sir Peter Temple, knt. and bart.

c. o. *Sir Alex. Denton, knt disabled Jan 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party. w. i. April 22, 1646.

†. John Dormer, esq.

* By the act passed in March, 1648, 'For abolishing the House of Peers,' it was declared, "That such lords as have demeaned themselves with honour, courage, and fidelity to the commonwealth, and their posterity who shall continue so, shall not be excluded from the public councils of the nation, but shall be admitted thereunto, and have their free vote in parliament, if they shall be thereunto elected, as other persons of interest, elected and qualified thereunto, ought to have." In consequence hereof the earl of Pembroke took his seat in the house of commons, on the 16th of April, 1649, as knight of the shire for Berks; as did also, in the same year, W. earl of Salisbury as a burgess for Lynne, and Edw lord Howard of Escrike, as a citizen for Carlisle These were the only peers that were elected members of the house of commons.

Wycombe B.

s. s. Thomas Lane, esq.

Sir Edm. Verney, knight-marshal, killed at the battle of Edge-hill, in Oct. 1642, where he bore the king's standard. w. t. Sep. 25, 1645

c. †. Maj Gen. Rd. Brown, disabled, Dec. 1649

Aylesbury B.

s. Sir Ralph Verney, knt. disabled Sept 22, 1643. w. t. eod. die.

s. Sir John Packington, bart. disabled Aug. 20, 1642, for executing the commission of array, w. t. eod die. and Sep. 22, 1645.

s. †. Thomas Scot, esq.

s. †. Simon Mayne, esq.

Amersham B.

s. Sir William Drake, knt.

William Cheyne, esq. deceased.

s. s. †. Francis Drake esq.

Wendover B.

John Hampden, esq made his election for the county. w. t. Dec. 8, 1640.

s. Sir Rob Crooke, knt disabled Nov. 15, 1643, for neglecting the service of the house. w. t. Sep 25. 1645

c. †. Tho. Fountaine, esq. deceased w. t. Sept. 13, 1646

† Edm. West, esq. made his election for the county, w i July 26, 1647.

s. † Richard Ingoldesby, esq. *

s † Thomas Harrison, esq.

Marlow B.

Gabriel Hippesley, esq. and

Jn Borlace, esq their elections declared void.

c. †. Bulstrode Whitlocke, esq.

c s †. Peregrine Hobby, esq

CAMBRIDGESHIRE

c. s Sir Dudley North, knt. and bart.

n Tho Chichley, esq. disabled Sept. 16, 1642, w i. eod. die, and Oct 15, 1645

†. Francis Russel, esq

Cambridge University.

c. s. Henry Lucas, esq.

c Tho Eden, LL.D. was deceased in 1644, w i Oct. 15, 1645

†. Nathaniel Bacon, esq

Cambridge T.

c †. Oliver Cromwell, esq.

c. * John Lowrye, esq.

CHESHIRE.

* Sir William Brereton, bart.

o Peter Venables, esq. disabled Jan. 22, 1643, for deserting the service of the parliament, being in the king's quarters, and adhering to that party.

†. George Booth, esq elected in consequence of an order of May 1, 1646.

Chester C.

o Thomas Smith esq. and

o. Francis Gamul esq. both disabled Jan. 22, 1643, for the same offence as the last.

s. † William Edwards, esq.

† John Radcliff, esq.

CORNWALL.

Sir Alex. Carew, knt. disabled Sep 4, 1643, for a treacherous intention to deliver up Plymouth to the king, with the government whereof he had been intrusted by the parliament. For this offence he was beheaded in Jan. following, w. t July 23, 1646

Sir Bevil Grenville, knt. disabled Sep 19, 1642, for publishing the king's Proclamation concerning the Militia, at Launceston assizes. He was killed at Lansdown fight, in July 1643, w. t. July 23, 1646.

†. Hugh Boscawen, esq.

† Nicholas Tretusis, esq.

Dunheuit, alias Launceston B

Wm. Coryton, esq. not duly elected, w. t. Aug 18, 1641.

o. Ambrose Manaton, esq. disabled Jan. 22 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w i Aug 12, 1646.

s †. Thomas Gawen, esq.

s. † John Harris, esq.

Lestwithiel B.

c. o John Harris, esq. and

o. Joseph Jane, esq both disabled Jan. 22, 1643, for the same offence as the last, and w. t. Feb. 9, 1646.

†. George Kekewich, esq.

s. †. Thomas Povey, esq

Lestwithiel B.

o. John Trevanion, esq disabled. Killed at the siege of Bristol. w. t. Dec. 8, 1646.

o. Richard Arundell, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters and adhering to that party. w. i Dec 8, 1646.

† Sir J Maynard, k. b disabled Sep. 7, 1647, and committed to the Tower, on account of a charge brought against him by sir Tho. Fairfax and the army, the 10th of June foregoing but this order was revoked by another of the 8th of June, 1648.*

s. †. Francis Holles, esq

Truro B.

c. John Rolle, esq.

* This gentleman, though he signed the Warrant, never attended the Trial The curious may compare lord Clarendon's Account of the manner of Cromwell's forcing him to sign it with his subscription to the same, engraved from the original at the expence of the Society of Antiquaries.

* On the 20th of July, 1647, this gentleman, with maj. Gen. Massey, John Glynne, esq; recorder of London, Col Edw. Harley, Anthony Nicoll, esq. Denzil Hollis, esq. sir Philip Stapylton, sir Wm. Lewis, sir John Clotworthy, sir Wm. Waller, and Walter Long, esq who were under the same accusation, having obtained leave from the house to absent themselves for six months, on condition of returning within that time, the six last of them accordingly embarked for France in August following, and the others retired into the country while their cause was depending before the house

c. Francis Rowse, esq.

Bodmyn B.

s. John Arundell, esq disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 6, 1646, and March 2, 1647.

c. Anth. Nicoll, esq. disabled Jan. 27, 1647, on account of a charge brought against him by sir Tho. Fairfax and the army: but this order was revoked by another of the 8th of June 1648 [a]

s. † Thomas Waller, esq.

Helston B.

o. Fran. Godolphin, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters and adhering to that party, w. i. Dec. 21, 1646.

Sidney Godolphin, esq killed, on the king's part, at the taking of Saltash in 1642, w. i. Dec. 21, 1646

†. John Penrose, esq.

s. †. John Thomas, esq.

Saltash B.

c. George Buller, esq deceased, w. i. Aug. 19, 1646.

o. Edw. Hyde, esq. disabled, Aug. 11, 1642, w. i. eod die, and Aug 12, 1646.

c. s. †. Thomas Thyne, esq.

†. Henry Willes, esq.

Camelford B.

o. Piers Edgcumbe, esq. and

c. o. Wm. Glanville, esq. both disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 21, 1646, and April 14, 1647.

‡. †. William Say, esq

‡. †. Gregory Clement, esq. disabled May 11, 1652, his carriage being offensive and scandalous to the parliament.

Grampound B.

Sir John Trevor, knt.

c. s. James Campbell, esq

Eastlow B.

s. Francis Buller, esq.

Thomas Lower, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 21, 1646

† John Moyle, esq.

Westlow B

o. Henry Killegrew, esq disabled Jan. 22, 1643, for the same offence as the last, w. i. Dec. 21, 1646.

o. Thomas Arundell, esq. deceased, w. i. Nov. 10, 1648.

† John Arundell, esq.

†. Thomas Arundell, esq.

Penryn B.

Sir John Bampfield, bart.

Sir Nich. Slanning, knt. disabled Aug. 9, 1642, *for* publishing the king's Proclamation relating to the *Militia*, &c. at Launceston assizes. Killed at the siege of Bristol, w. i. May 11, 1647.

Tregony B.

o. Sir Richard Vivian, knt. and

o John Polewheel, esq. both disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Nov. 11, 1646.

s. †. Sir Thomas Trevor, knt.

‡. †. John Carew, esq.

Bossiney B.

c. Sir Christopher Yelverton, knt.

Sir John Clotworthy, bart. made his election for Malden

o. †. Sir Ralph Siddenham, knt. disabled Sep. 29, 1642, w. i. Feb. 9, 1646.

s. †. Lionel Copley, esq. disabled Sep. 9, 1647, and committed to the Tower, for complying with the proceedings of the members in the absence of the Speaker; but this order was revoked June 8, 1648.

St. Ives B.

Philip Lord Lisle, made his election for Yarmouth in the Isle of Wight.

o. Francis Godolphin, esq. disabled.

†. Edmund Waller, esq. disabled July 14, 1643, for being concerned in a plot, particularly mentioned in vol. xii. w. i. Feb 9, 1646.

†. John Fielder, esq.

†. Henry Ramsford, esq.

Fowey B.

o. Jonathan Rashleigh, esq. disabled Jan 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i Dec. 21, 1646.

Sir Rd Buller, knt. dec. w. i. Dec. 21, 1646

† John Upton, esq.

† Nich. Gold, esq. deceased, w. i. June 14, 1648.

St. Germains B.

c. Benjamin Valentine esq.

c. John Moyle, jun. esq. deceased, w. i Nov. 11, 1646.

Michel B.

c. s. Edward lord Clinton, eldest son of Theophilus earl of Lincoln.

o. John Arundell, esq. made his election for Bodmyn.

o. †. Robert Holborn, esq. disabled, Aug. 11, 1642, w. i eod. die.

n. †. Wm. Chaliwell, esq disabled Jan 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party.

†. Charles lord viscount Rochester, eldest son of Robert earl of Somerset.

Newport B.

John Maynard, esq. made his election for Totness, w. i Dec. 5, 1640, and Feb. 9, 1646

o. Richard Edgcumbe, esq. disabled, w. i February 9, 1646.

†. Sir Philip Parcival, knt. and

[a] The Proceedings of Jan. 27 and 29, 1647, against this gentlemen, and the rest under the same charge, commonly called The Case of the Eleven Members, are erased; against which is written in the margin, 'obliterated by order of March 2, 1659.'

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†. Nicholas Leech, esq. both deceased in 1647, w. i. March 1, 1647.

St. Maues B.

c Richard Ersy, esq.

o. George Parry, LL.D. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Feb. 9, 1646.

s † William Prestley, esq.

Kellington B.

o George Vane, esq. disabled, and

Sir Arthur Ingram, knight, deceased, w. i. September 4, 1646

† Thomas Dacres, esq.

† Carew Raleigh, esq.

CUMBERLAND.

s. Sir George Dalston, knt. and

o. Sir Patricius Curwen, bart. both disabled March 15, 1643, for putting the Commission of Array in execution, w. i. Sept. 25, 1645.

†. William Armyn, esq.

†. Richard Tolson, esq.

Carlisle C.

o. Sir Wm. Dalston, knt. and bart disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i Sept 25, 1645.

c Richard Burwis, esq. deceased, w. i. April 12, 1643.

† Thomas Chalmley, esq.

†. Edw. lord Howard of Escricke, took his seat in the house of commons May 5, 1649, but, June 25, 1651, disabled to sit in parliament, and from bearing any office of trust; also fined 10,000*l.* and committed to the Tower during the pleasure of the parliament, for being guilty of bribery. but this fine was annulled by vote, April 5, 1653.

Cockermouth B.*

c. Sir John Hippesley, knt.

Sir John Fenwick, knt. made his election for Northumberland, w. i. Feb. 5, 1641.

†. Sir Thos. Stamford, not duly elected.

‖. † Francis Allan, Esq.

DERBYSHIRE.

c. s. Sir John Curzon, bart.

c. Sir John Coke, knt

Derby T.

o. William Allestree, esq. recorder, and

Nathaniel Hallows, alderman. Their election declared void, but rechosen. The former disabled by vote, w. i. Sept. 1, and 23, 1645, the mayor having neglected to obey the 1st writ.

s †. Thomas Gell, esq.

DEVONSHIRE.

— Wise, esq deceased, w. i. Mar. 20, 1640.

o. Edward Seymour, esq. disabled Jan. 16, 1643, for appearing in arms against the parliament, w. i. May 7, 1646.

† Sir Samuel Rolle, knt. deceased, w. i. March 28, 1648.

i. †. Sir Nicholas Martin, knt.

Exeter C.

c. s Simon Snow, esq.

o. Robert Walker, esq disabled March 6, 1642, for not appearing on divers summons of the house, w. i Nov. 11, 1646.

†. Samuel Clark, esq

Totnes B.

c. Oliver St. John, esq. appointed his majesty's solicitor in January 1640.

c. John Maynard, esq.

Plymouth B

c. Sir John Young, knt.

s John Whaddon, esq.

Barnstaple B

c. Geo. Peard, esq. dec w. i May 13, 1646.

s. Richard Ferrers, esq. his election declared void, but rechosen, and afterwards disabled, w. i. May 13, 1646

* † Philip Skippon, esq.

s †. John Doddridge, esq.

Plimpton B.

Michael Oldsworth, esq. made his election for Salisbury.

Sir Nicholas Slanning made his election for Penryn, w. i. February 9, 1645.

n. †. Hugh Potter, esq disabled.

o. †. Sir Thomas Hele, knt. disabled, w. i. November 11, 1646.

†. Sir Richard Strode, knt.

†. Christopher Martin, gent.

Tavistoke B.

Wm. lord Russell, eldest son of Francis e. of Bedford, called up to the house of peers, May 22, 1641, on the decease of his father.

c. John Pym, esq. deceased in Dec 1643, w. i July 8, 1646

o †. John Russel, Esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i July 8, 1646

† Edmund Fowell, esq.

†. Elizeus Crynes, esq

Clifton, Dartmouth, Hardness B.

c Samuel Brown, esq.

Arthur Upton, esq. deceased in Oct. 1611.

o † Roger Matthews, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Feb. 9, 1645.

s. †. Thomas Boone, esq

Bervlstone B.

Sir Thomas Chceke, knt. made his election for Harwich.

Sir Hugh Pollard, kt. expelled Dec 9, 1641, for being concerned in a plot to bring up the king's army in the North to over-awe the parliament, w. i. eod. die.

c. †. Wm. Strode, esq. dec. in Sept. 1645, w. i. Feb. 17, eod. anno.

s †. Charles Pym, esq.

†. Sir Francis Drake, bart.

Tiverton B.

o. Peter St. Hill, esq disabled Jan. 22, 1643. for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Oct 5, 1646.

o. Geo. Bartlett, esq disab. w. i. Oct 5, 1646.

* On the 15th of Feb. 1640, the Commons resolved that this borough should be restored to its antient privileges of sending burgesses to parliament.—Commons' Journals.

Parliamentary Archives by the Institute for Historical Research

†. John Elford, esq.
†. Robert Shapcot, esq.

Ashburton B.*

c Sir Edmond Fowel, kot.
Sir John Northcote, knt. and bart.

Honiton B.

Walter Young, esq
Sir William Pole, knt disabled June 24, 1643, for being in actual war against the parliament, w. i. Nov. 29, 1615.
s. †. Charles Vaughan. esq.

Okehampton B.†

c Lawrence Whitacre, esq.
c. s. Edward Thomas. esq.

DORSETSHIRE.

Geo ge lord Digby, eldest son of John earl of Bristol, called up to the house of peers, by writ, June 10, 1641, vitâ patris, w. i cod. die.
Rd. Rogers, esq. disabled Sept. 12, 1642, for seeding forces into Sherborne castle, w. i. Oct. 11, 1645
c ‖ † John Browne, esq
†. Sir Thomas Trenchard, Knt.

Poole T.

John Pyne, esq.
o. Wm Constantine, esq. disabled Sept. 4, 1643, for being in arms against the parliament, and endeavouring to betray and deliver up the town of Pool, w. i. Sept 25, 1645.
s. †. George Skutt, esq.

Dorchester B

c Denzil Hollis, esq. disabled Jan. 27, 1647, an account of a charge brought against him by sir Thomas Fairfax and the army; but this order was revoked by another of the 8th of June 1648 ‡
c. *. Dennis Bond, esq

Lyme-Regis B.

c. Edmund Prideaux, esq
c. Richard Rose, esq

Weymouth B.

c. s. Sir Walter Erle, knt
o. Sir John Strangways, knt. disabled Sept. 6, 1642, for neglecting the service of parliament, w. i. September 25, 1645.
s † Matthew Allen, gent.

Melcomb-Regis B

o. Sir Gerrard Napier, knt. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept 25, 1645.
o. Rd King, esq. disabled Feb. 27, 1644, w. i Sept. 25, 1645.
†. William Sydenham, jun. esq.
† John Bond, LL.D.

Bridport B

Sir Lewis Dive, kat. disabled.
o. Giles Strangways, esq disabled Jan. 22, 1643, for deserting the service of the house, being in the King's quarters, and adhering to that party, w i. Sept 25, 1645.
c. * † Roger Hill, Esq.
†. Thomas Celye, Esq.

Shaftsbury B.

o. Samuel Turner, M. D. disabled Jan 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w i September 25, 1645.
c William Whitaker, esq. deceased, w October 7, 1646.
†. Col. —— Starre, dec. w i. Oct. 15, 1647
‖. †. John Frye, esq. suspended for writing a Book against the Trinity; but, upon his declaring that he abominated the opinions charged upon him, re-admitted Feb. 3, 1648; but disabled Feb. 24, 1650, for the same kind of offence.
†. John Bingham, esq.

Wareham B

c. *. John Trenchard, Esq.
c. s. Thomas Erle, esq.

Corfe-Castle B

Sir Francis Windebank, knt. sec. of state, fled out of the kingdom.
o. John Borlace, esq. disabled March 4, 1643, for neglecting the service of the house, and adhering to the adverse party, w. i. September 25, 1645.
c. s. † Giles Green, esq
†. Francis Chettle, esq

ESSEX.

s. Robert lord Rich, eldest son of Robert e. of Warwick, called up to the house of peers by writ, Jan 27, 1640, vitâ patris, w. i. cod. die.
s Sir Martin Lumley, knt. and bart.
c. *. †. Sir William Masham, bart.

Colchester B.

c. s. Harbottle Grimstone, esq
c. Sir Thomas Barrington, kt and bart. was deceased in 1644, w i. Sept 25, 1645
†. John Sayer, esq.

Malden B.

c. ‖. Sir Henry Mildmay, knt.
c. s. Sir John Clotworthy, knt. disabled Jan. 27, 1647, on account of a Charge brought against him by sir Thomas Fairfax and the army: but this order was revoked by another of the 8th of June, 1648.

Harwich B.

c. Sir Thomas Cheeke, knt.
c Sir Harbottle Grimstone, knt. and bart. deceased, w i March 16, 1647.
s. †. Capel Luckyn, esq.

GLOUCESTERSHIRE.

c. Nathaniel Stephens. esq.
o. Sir John Dutton, esq. disabled

* Upon a Report from the Committee of Privileges, Nov. 26, 1640, the Commons resolved, "That the towns of Ashburton and Honiton ought to be restored to their antient rights and privileges of sending burgesses to parliament, and that writs should issue accordingly".—Commons' Journals.

† This town had sent no members since 7 Edw II. but was restored to its antient right in the beginning of this parliament.—Willis's Notitia Parliamentaria.

‡ While this charge was depending, Mr Hollis, having obtained leave of the house to go abroad, retired into Normandy, where he resided several years, and wrote his memoirs. See the Note under sir John Maynard, p. 603

s. †. Sir John Seymor, knt.
Gloucester C.
Thomas Purt, alderman
c. n. Henry Brett, esq. disabled, w. i. Oct 25. 1645
c. † John Lenthall, esq.
Gloucester B.
c. Sir Theob Gurgis, knt disabled Jan 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party.
c. John George, esq. disabled.
†. Sir Thom is Fanfax, knt. and
†. Nat. Rich, esq both elected in Feb 1648.
Tewkesbury B
Sir Robert Cook, knt.
Sir Edward Allard, knt.
John Craven, esq created baron Craven of Ryton co. Salop, March 1, 1642.)
Edw. Stephens, esq double return, and the elect on thereof found, Aug. 6, 1641, and a new writ issued, whereupon were re-chosen,
Sir Robert Cooke, knt. deceased, w. i. September 1. 1645
Sir Edw. Allard, knt. His second election declared void, and
.† Edward Stephens, esq. declared duly elected. Dec. 23, 1643, deceased.
† John Stephens, esq
HERTFORDSHIRE.
c. s. Sir Robert Harley, knight of the Bath.
Fitz-Williams Coningsby, esq. expelled Oct 30, 1641, for being a monopolist, w. i. eod. die.
n. † Humphry Coningsby, esq. disabled, w. i September 11, 1646
s. † Edw. Harley, esq. disabled Jan. 29, 1647, on account of a Charge brought against him by sir Thos Fairfax and the army, but this order was revoked by another of the 8th of June 1646.
Hertford C
Richard Wenman, esq deceased in May 1642.
o. Richard Seabourne, esq. disabled Jan. 3, 1645, and w. i Sept 11, 1646.
o † James Seydamore, esq. disabled, w. i September 11, 1646.
† Edmund Wenman, esq.
†. Bennet Hoskins, esq.
Weobly B*
c. o. Arthur Jones, lord visc Ranelagh, in Ireland, disabled, w. i Sept. 11, 1646.
o. † Thomas Tankins, esq disabled Jan 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 11, 1646.
†. Robert Andrews, esq.
†. William Crowther, esq.
Leominster B.
o. Walter Kirle, esq
o. Samuel Eure, serjeant at law, disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i Sept. 11, 1646.

s. †. John Birch, esq.
HERTFORDSHIRE.
c. Sir William Litton, knt.
Arthur Capel, esq. created lord Capel, Aug 6, 1643, v. i. die prox. in his place.
c. s. † Sir Thomas Dacres, knt.
St. Alb ns B
c. s. Edward Wingate, esq
Sir John Jennings, knt. deceased in August, 1642 Fuller is place
c. s. †. Richard Jennings, esq.
Hertford T
c. Charles viscount Cranburn, eldest son of William earl of Salisbury.
o Sir Thomas Bunshaw, kt. of the Bath, disabled Nov. 25, 1643, w. i Sept. 3, 1645.
†. William Lenam, esq.
HUNTINGDONSHIRE
Sir Sidney Montague, knt disabled Dec. 3, 1642, and committed prisoner to the Tower, for refusing his consent to the Vote for adhering to the earl of Essex, w. i. September 23, 1645
] Valentine Wauton, esq.
†. Edward Montague, esq.
Huntingdon T.
c. *. Abraham Burrel, esq
c. Edward Montague, esq. called by writ to the house of peers on the decease of his father, Edw. lord Montague of Boughton in June 1644, w. i. Sept. 3, 1645
s. † Thomas Temple, esq.
KENT
Sir Edward Deering, bart disabled Feb. 2, 1641, for printing his speeches in parliament, w. i eod die.
o. Sir John Colepeper, knt. disabled Jan 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i Sept. 12, 1645. Created baron Colepeper of Thorseway Oct 21, 1644.
c. *. † Augustine Skinner, esq.
† John Boys, esq.
Canterbury C.
Sir Edward Masters, knt. deceased, w. i. November 18, 1648.
c. *. John Nutt, esq.
Rochester C.
c. Richard Lee, esq
Sir Thomas Walsingham, knt.
Maidstone B
s. Sir Humphrey Tufton, knt.
c. Sir Francis Barnham, knt. deceased, w. i. November 11, 1646
†. Thomas Twisden, esq.
Queenborough B
Sir Edward Hales, knt. and bart disabled. w. i. May 10. 1648
William Harrison, esq. disabled June 24, 1643, for being in actual war against the parliament, w. i. Sept. 3, 1645.
]. †. Sir Michael Livesey, bart.
]. †. Augustine Garland, esq.
LANCASHIRE.
c. Sir Ralph Ashton, bart.
Roger Kirkby, esq. disabled Aug. 29, 1642, w. i. December 30, 1643, [illegible]

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*. This town had discontinued sending members since the reign of Edward I. but was restored 1640, 15 Car. I.—Willis's Notitia Parliamentaria. Printed [illegible] the Introduction to Vol. II.

†. Sir Richard Houghton, bart.

Lancaster T.

t. o. Sir John Harrison, knt. disabled Sept. 4, 1643, for being in arms against the parliament, w. i. October 11, 1645

o Sir Thos. Tunshaw, knt disabled Sept. 7, 1642, for neglecting the service of the house, and not appearing on summons, w. i. Oct. 14, 1645.

†. Sir Robert Bindloss, knt.

† Thomas Bell, esq

Preston B.

e. Richard Shuttleworth, esq.

Thomas Standish, esq. was deceased in 1641, w. i. Oct. 14, 1645.

†. William Langton, esq.

Newton B

c William Ashurst, esq.

Peter Legh, esq. deceased, w. i. Feb. 5, 1641

o. †. Sir Roger Palmer, knt. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 30, 1645

s. † Peter Brooke, esq.

Wigan B

*. Alexander Rigby, esq

o Orlando Bridgeman, esq disabled August 29, 1642, for assisting lord Strange at Chester against the parliament, w. i. Dec. 30, 1645.

s. † John Holcroste, esq.

Clitheroe B.

s Ralph Ashton, esq.

Richard Shuttleworth, esq.

Leverpool B.

c ‡. John Moore, esq.

Sir Richard Wynn, knt. and bart. deceased, w. i August 28, 1619

†. Thomas Birch, esq. elected in Oct. 1649.

LEICESTERSHIRE

Henry De Grey, commonly stiled lord Ruthen, removed to the house of peers on the decease of his father, Anthony earl of Kent, in 1643, w. i. Oct 30, 1645

c * Sir Arthur Haselrigg, bart.

‡. †. Henry Smyth, esq.

Leicester T.

c * Thomas lord Grey of Grooby, eldest son of Henry earl of Stamford.

n Thomas Cook, esq disabled January 22, 1644, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i Sept 30, 1645

‡ † Peter Temple, esq

LINCOLNSHIRE

c. Sir John Wray, knt. and bart.

s. Sir Edward Ayscough, knt.

Lincoln C.

c Thomas Grantham, esq.

John Broxholme, esq. deceased, w. i. March 15, 1646

‖. † Thomas Lister, esq.

Boston T.

e. s. Sir Anthony Irby, knt.

c. s. William Ellis, esq.

Great Grimsby B.

c. Sir Christopher Wray, knt. deceased, w. i. February 17, 1645. d. [illegible] by the Universities of Oxford and Cambridge

o. Gervase Holles, esq. suspended April 26, 1641, for reflecting upon the house in relation to the Scots propositions; re-admitted to his seat the 2nd of December following, but disabled August 22, 1642, w. i. eod. die, and September 12, 1645.

†. William Wray, esq.

†. Edward Rossiter, esq

Stamford B

c Thomas Hatcher, esq.

n Geoffrey Palmer, esq. disabled Sept. 7, 1642, for not appearing on summons, w. i September 12, 1645

* †. John Weaver, esq

Grantham B

c. *. Sir William Armyn, bart

c s Henry Pelham, esq.

MIDDLESEX.

c. s. Sir Gilbert Gerrard, bart

c. Sir John Franklyn, knt deceased, w. April 12, 1648.

Westminster C

c. John Glynne, esq. disabled Sept. 7, 1647 and committed to the Tower, on account of Charge brought against him by Sir Thos. Fairfax and the army; but this order was revoked by another of the 7th of June, 1648.

c. William Bell, gent.

London C

Matthew Cradock, esq deceased in 1648

c s Sir Thomas Soame, knt.

c ‖ Isaac Pennington, esq.

c s. Samuel Vassal, merchant.

c. ‡ †. John Venn, esq.

MONMOUTHSHIRE.

Sir Charles Williams deceased, w. i. March 10, 1641.

o. Wm Herbert, esq disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i Sept 11, 1646

† John Herbert, esq.

† Henry Herbert, esq.

Monmouth T.

Thomas Trevor, esq.

o. Wm. Watkins, esq. Their election declared void, Nov. 29, 1644. The latter recluse, but disabled, w. i. for one in his place, Nov 18, 1646.

†. Thomas Pury, jun. esq.

NORFOLK.

c. Sir John Potts, knt and bart deceased.

Sir Edward Mountford, knt. was deceased in 1644, w. i Dec. 3, 1645.

c. †. Sir John Hobart, bart. deceased, w. i April 29, and May 27, 1647.

s. † Sir John Palgrave, knt. and bart.

Norwich C.

c Richard Harman, esq. deceased, w. i. December 7, 1646.

o Richard Catelyn, esq. disabled Jan. 28, 1643, for deserting the service of the house being in the king's quarters, and adhering to that party, w. i. Sept. 30, 1645.

†. Erasmus Earle, esq.

†. Sir Thomas Atkins, esq. [illegible]

Rog[illegible] F[illegible]

[illegible]

[illegible] B[illegible]

[illegible] Ellis, knt. and [illegible]

[illegible] Ellis, esq

[illegible] Ellis

[illegible]

[illegible] his cl[illegible]

[illegible]

Sir R[illegible] Hesketh, knt disabled [illegible] except [illegible] the commissioners of [illegible] declared illegal, and for [illegible] 20, 1642

[illegible] Chetham, esq

Northamptonshire

Robert Pickering, knt

[illegible] John Dryden, bart

Peterborough C.

Sir Wm Fitz-Williams, esq eldest [illegible] lord viz. Fitz-Williams, in Ireland [illegible] while he succeeded his father Jan [illegible]

Sir Robert Napier, knt and bart

Northampton

Charles Tate, esq

Richard Knightley, esq.

Brackley B.

John Crew, esq

Sir Martin Lyster, knt.

Higham-Ferrers B.

Sir Christ Hatton, knt disabled Sept [illegible] for [illegible] becoming the commissioners of [illegible] declared illegal, and for not [illegible] summoned was Sept. 17, 1642

Edward Hatton of Kirby, July 20, [illegible]

Edward Harvey, esq.

Northumberland

Hon Percy, esq brother to the e of Northumberland, expelled, Dec. 9, 1641, for being [illegible] a plot to bring up the king's army [illegible] North, to overawe the parliament [illegible] Created baron Percy of Alnwick [illegible] 1643.

Sir Wm Widdrington, bart. disabled Aug [illegible] 1642, for refusing to attend the service of the house, and assisting arms against the parliament, was Sept 25, 1645. Created baron Widdrington of Blankney, Nov 10, 1643, and killed at the battle of Worcester.

c. † Sir John Fenwick, knt. disabled Jan 22, 1643, for disturbing the service of the house, being in the King's quarters, and adhering to that party but this order for his being disabled was vacated by another order of the 26th of Jan 1646.

†. William Fenwick, esq.

Newcastle-upon-Tyne T.

Sir John Melcon, deceased, was disabled Dec 17, 1640.

[illegible]

c. Sir Henry Vane [illegible] knt. [illegible] 1643, for deserting his service [illegible] and repairing to the army against [illegible] was Sept [illegible] 1644

[illegible] John Blackiston, esq

[illegible] —— Warmouth, esq [illegible] July 25 1647, was [illegible]

[illegible] Robert Ellison, esq

Berwick T.

[illegible] Osborne [illegible] Dec 7, 1643, was [illegible]

[illegible] Thomas Wallington

[illegible] Robert Scarisbrick, esq

Morpeth B.

[illegible] disabled [illegible]

[illegible]

[illegible]

[illegible] esq disabled [illegible]

[illegible] esq, third [illegible]

[illegible]

[illegible] Millington, esq

Newcastle B.

[illegible], knt [illegible] Isabella [illegible] 1645

[illegible] Wm [illegible] Newton [illegible] the [illegible]

[illegible] deceased, was [illegible]

—— Newton elected in May 1649.

Oxfordshire.

[illegible] Thos. Wenman lord visc Wenman [illegible] created

c. James Fiennes, esq eldest son of Wm lord visc. Say and Sele

Oxford University

c. Sir Thos. Roe, knt. was deceased in 1644 was Nov. 18, 1646.

c. John Selden, esq.

Oxford C.

Ch. lord visc. Andover, eldest son of Tho. earl of Berkshire, called up to the house of peers by writ, Nov. 18, 1640, vitâ patris.

c. John Whistler, esq. and

[illegible] of †. John Smith, esquire both disabled, was Nov. 18, 1646.

†. John Doyley, esq.
†. John Nixon, Alderman.

Woodstock B.

Wm Herbert, esq made his election for Monmouthshire.
c. William Lenthall, esq. Speaker.
c s.†. Sir Robert Pye, knt.

Banbury B.

c. s. Nath. Fiennes, esq. 2nd son of Wm lord visc. Say and Sele.

RUTLANDSHIRE.

o. Hon. Baptist Noel, eldest son of Edw. lord visc Cambden, disabled, w. i. September 30, 1645
c. n. Sir Guy Palmes, knt. disabled Sept. 28, 1643 for neglecting the service of the commonwealth, and not attending the house, w. i. Sept. 30, 1645.
‖. †. Sir James Harrington, knt.
‡. †. Thomas Wayte, esq.

SHROPSHIRE.

Sir Rd. Newport knt. disabled; but created a baron, Oct 14, 1642.
o. Sir Richard Lee, bart. disabled Sept. 6, 1643, for executing the commission of array, after it was declared illegal, and not appearing on summons, w i. June 5. 1646.
c. s. †. Sir John Corbet, bart.
‡. †. Humphrey Edwards, esq.

Shrewsbury T

o Francis Newport, esq disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept 12, 1645.
o Wm, Spurstow, merchant, deceased, w. i Jan. 13, 1645.
†. Thomas Hunt, esq.
†. William Masnam, esq.

Bridgnorth B

o Sir Tho. Whitmore, knt. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. May 13, 1646,
o. Sir Edw Acton, knt disabled Feb. 5, 1643, for the same offence as the last, w. i. May 13, 1646
†. Robert Clive, esq.
†. Robert Charlton esq.

Ludlow B.

o. Ch. Baldwin, esq disabled Feb 5, 1643, for the same offence as the last, w. i. July 23, 1646.
o. Ralph Goodwin, esq secretary to prince Rupert, disabled Feb 5, 1643, for the same offence as the last. w. i. July 23, 1646.
†. Thomas Mackworth, esq.
†. Thomas Moor, esq

Great Wenlock B.

c Wm. Pierrepoint, esq. second son of Robert earl of Kingston.
o Tho. Littleton, esq. disabled Feb. 5, 1643, for the same offence as the last, w. i. May 13, 1646.
†. Sir Humphrey Briggs, knt.

Bishop's Castle T

o. Sir Job Harnage, knt disabled Sept. 6, 1642, for executing the commission of array, after it was declared illegal, and for not appearing on summons, w. i Nov. 12, 1645
c. Rd Moor, esq was dead in 1644, w. i Nov 12, 1645
†, Isaiah Thomas, esq.
‖. †. John Corbet, esq.

SOMERSET-SHIRE.

o. Sir John Paulet, knt. and
o. Sir John Stawell, k. b. both disabled Aug. 8, 1642, w. i eod die, and Oct 25, 1645
s. † George Horner esq. and
†. John Harrington, esq. their election declared void, and w. i. June 5, 1646.

Bristol C.

Humphrey Hooke, esq. and
Rd Long, esq. both declared not duly elected on account of their being within the Resolution of the house against Monopolists, after 2 years sitting. In their places
†. John Glanville, serjeant at law, Speaker of the last Parliament, which met the 15th of April, 1640, and
†. William Taylor, esq disabled by vote, Sept. 25, 1645, and w. i. eod die.
†. Richard Aldworth, esq.
†. Luke Hodges, esq. deceased.
s. †. William Prynne, esq.

Bath C.

c o. Wm. Basset, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i Sept. 25, 1645.
c Alexander Popham, esq
†. James Ash, esq.

Wells C,

Sir R. Hopton, k. b. disabled Aug 5, 1642, for executing the Commission of Array, w. i. eod. die, and Sept. 25, 1645. Created baron Hopton of Stratton, Sept. 4, 1642.
o Sir Edward Rodney, knt disabled Aug. 12, 1642, w i eod die, and Sept. 25, 1645
†. Dishone Long, esq.
s. †. Clement Walker, esq. author of the History of Independency.

Taunton B

George Searle, esq.
o. Sir Wm. Portman, bart. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i, Sept. 25, 1645,
†. Admiral Robert Blake.

Bridgwater B.

c. Sir Peter Wroth, knt. was deceased in 1644, w. i. Sept. 25, 1645.
Edmund Wyndham, esq. expelled Jan. 2 1640, for being a monopolist, w. i. [illegible] die.
†. Thomas Smith, esq. disabled Aug. 1642, w. i. eod. die, and Sept. 25, 1645.
†. John Palmer, M. D.
‖. †. Sir Thomas Wroth, knt.

Mynhead B.

c Sir Francis Popham, knt. and
Alex Lutterel, gent. were both deceased in 1644, w. i. Oct. 25, 1645.
Sir Edward Popham, esq. son and heir of Sir Francis Popham, knt
†. Walter Strickland, esq.

Ilchester B

Henry Berkeley, knt. and
Robert Hunt, esq. their election declared
The latter was re-elected, but disabled
s, 1643, for deserting the service of the
being in the king's quarters, and ade
to that party, w. i. Sept 25, 1645
s †. Edward Phelips, esq. disabled the same
and for the same offence as the last, w. i
Sept. 25, 1645.
†. William Strode, esq.
†. Thomas Hodges, esq.

Milborn-Port B *

George lord Digby made his election for Dorsetshire
o John Digby, esq disabled Aug 5, 1642, for putting the commission of array in execution, w. i Sept. 25, 1645.
Edw Kirton esq. disabled Aug 11, 1642, ceased die, and Sept. 25, 1645
s. †. Thomas Grove, esq.
†. William Carew, esq.

SOUTHAMPTONSHIRE.

c. Sir H. Wallop, knt was deceased in 1644, w. i. Oct. 24, and Nov. 10. 1645.
c. Richard Whitehead, esq.
†. Richard Norton, esq.

Winchester C

c. ‖. John Lisle, esq
o. Sir Wm. Ogle, knt disabled June 24, 1643, for being in war against the parliament, w. i Dec. 23, 1645
‖. † Nicholas Love, esq.

Southampton T.

c. George Gallop, esq.
c. Edward Exton, esq.

Portsmouth T.

Henry Piercy, esq. made his election for Northumberland.
Col Geo Goring, disabled Aug 16, 1642 for giving up Portsmouth to the king, w. i. ceed die also Oct 25. and March 23, 1645.
† Nich. Weston, esq disabled Aug 16, 1642, for doing ill service to the parliament the affair at Portsmouth last mentioned, w. i ceed die
c. † Edw Dowse, esq deceased, w. i. Nov 18, 1648
‖ †. John Booth, esq
*. Richard Cromwell, esq

Yarmouth B

c. * Philip lord Lisle eldest son of Robert earl of Leicester.
c Sir John Leigh, knt.

Peterefield B.

c. s. Sir Wm. Lewis, bart. disabled January 27, 1647, on account of a charge brought against him by sir T. Fairfax and the army: but this order was revoked by another of the 9th of June, 1648.
o. Sir William Uvedale, knt. disabled.

Newport B.

Lucius Carey, lord vis. Falkland disabled Sept. 22, 1642. Killed at the first battle of Newberry, in Sept 1643. in the king's service, w. i November 1, 1645.
Sir Henry Worsley, bart.
†. William Stephens, LL. D.

Stockbridge B.

c ‖. William Heveningham, esq.
s William Jephson, esq

Newton B.

o. Sir John Mew, knt disabled Feb 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i Oct. 24 1645.
o Edw. Nicholas, esq. appointed secretary of state, on the decease of lord Falkland, disabled, w. i. Oct, 25, 1644
*. †. Sir John Barrington, knt. and bart.
s † John Bulkely, esq

Christ-Church B

Henry Tulse, esq. was deceased in 1644, w. i. October 25, 1645
o Mat. Davies, esq disabled March 16, 1642, for not appearing on summons. w. i Oct. 25, 1645.
† John Kemp, esq.
†. Richard Edwards, esq.

Whitchurch B.

c Sir Thomas Jervoise knt.
Richard Jervoise, esq. deceased, w. i October 31, 1645.
†. Thomas Hussey, esq

Lymington B.

c. John Button, esq.
c. Henry Compton, esq.

Andover B

Sir H Rainsford, knt deceased, w. i. March 21 1641.
Henry Vernon, esq not duly elected
c s † Sir Wm Waller, kt disabled Jan. 27, 1647, on account of a charge brought against him by Sir T Fairfax and the army; but this order was revoked by another of the 9th of June, 1648.
c ‖ † Robert Wallop, esq.

STAFFORDSHIRE.

Sir William Bowyer, deceased, w. i. March 15, 1640
c. o Sir Edward Littleton, bart. disabled March 4, 1643, for neglecting the service of the house, and going to the other party
o †. Sir Harvey Bagot, knt. disabled Nov. 24, 1642, for raising forces against the parliament
*. †. Sir Richard Skeffington, kt. deceased, w. i. October 25, 1647.
† John Bowyer, esq.
†. Thomas Crompton. esq

Litchfield C.

c Michael Noble, esq.
o Sir Richard Cave, knt disabled Aug. 30, 1642, w. i. Nov. 26, 1646
s. †. Michael Biddulph, esq.

Stafford T

s. Ralph Sneyde, jun. gent. disabled May 20, 1643, taken prisoner at Stafford, in the king's service, on the 25th Sept. 1643. [illegible]

* This town sent no members since 35 Edw. I. till required so to do, 15 Car. I. 1640. Willis's Notit. Parliam. [illegible]

o. Rd. Weston, esq. disabled, w. i September 25, 1645.
s. + John Swinfen, esq.
s. †. Edward Leigh, esq

Newcastle-under-Line.

c s Sir John Merrick, knt.
o Sir Rd Leveson, k b. disabled Nov 21, 1642, for raising forces against the parliament, w. i Sept 25, 1645.
s. †. Samuel Terrick, esq

Tamworth B.

William Strode, esq. made his election for Beralston
Henry Wilmot, esq. expelled Dec. 9, 1641, for being concerned in a plot for bringing up the army to over-awe the parliament, w. i. eod die Created baron Wilmot of Adderbury, June 29, 1643.
+ Ferdinando Stanhope, esq. fourth son of Philip earl of Chesterfield, disabled March 27, 1643, w. i. Sept 25, 1645.
c. * †. Sir Peter Wentworth, k. b.
† George Abbot, Esq

Suffolk

c. Sir Nathaniel Barnardiston, knt.
c. s. Sir Philip Parker, knt.

Ipswich T.

c. *. John Gourdon, esq.
c. William Cage, esq was deceased in 1645. w. i. Dec. 5, 1645.
†. Francis Bacon, esq.

Dunwich B

c Sir Anthony Bedingfield, knt.
Henry Coke, esq disabled Sept. 7, 1642, for neglecting the service of the house, and not appearing on summons, w. i Sept 2, 1645.
†. Robert Brewster, esq.

Orford B.

c. s. Sir William Playters, knt. and bart
Sir Charles Le Gross, knt.

Aldborough B.

c. Squire Bence, esq.
Captain Ramsborough, deceased in 1641
c. † Alexander Bence, esq.

Sudbury B.

c. s Sir Symonds D'Ewes, knt and bart.
Sir Robert Crane, knt and bart. was deceased in 1644, w. i. Sept 2, 1645
†. Brampton Gourdon, jun. esq

Eye B.

c. s Sir Roger North, knt.
o. Sir Frederick Cornwallis, knt. and bart. disabled September 23, 1642, for sending over officers from Holland into England against the parliament, w. i. September 1, 1645
s. †. Morris Barrow, esq.

St. Edmundsbury B

o. Sir Thomas Jermyn, knt. disabled Feb 11, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Aug. 21, 1645
Henry Jermyn, esq. disabled; but created baron Jermyn of St. Edmundsbury, Sept. 8, 1643, w. i. Aug. 21, 1645.
s. †. Sir William Spring, bart.
†. Sir Thomas Barnardiston, knt.

Surry.

c. s Sir Richard Onslow, knt
c. s. Sir Ambrose Brown, bart.

Southwark B

n Edward Bagshaw, esq disabled Jan. 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Aug 21, 1645
c John White, esq. deceased Jan. 30, 1644, w. i Aug. 21, 1645
†. George Thompson, esq.
†. George Snelling, esq.

Blechingley B.

Sir John Evelyn, knt
Edward Byshe, jun esq

Ryegate B

|| Wm Monson, lord viscount Monson in Ireland.
o. Sir Thomas Bludworth, knt. disabled, w. i. Sept 3, 1645.
† George Evelyn, esq

Guildford B

c Sir Robert Parkhurst, knt deceased.
George Abbot, esq On or about July 1 it was moved that this gentleman, at his own request, might decline his election, and that a new burgess might be chosen; but this was not thought fit to be granted Deceased, w. i. November 12, 1645
†. Nicholas Stoughton, esq deceased, May 6, 1648.

Gatton B

Sir Samuel Owfield, knt was deceased in 1644, w. i September 3, 1645
c s. Thomas Sandys, esq , and
—— Sanders, esq a double return. The latter declared not duly elected, Nov 3, 1641.
†. William Owfield, esq

Haslemere B.

c John Goodwyn, esq
Sir Francis More, knt and bart. deceased, w. i June 22, 1646

Sussex.

c. s. Sir Thomas Pelham, bart
c. †. Anthony Staply, esq

Chichester C

o. Christopher Lewkenor, esq. disabled Sept 2, 1642, w. i. eod die, and Sept 3, 1645.
Sir William Morley, knt. disabled Nov. 23, 1642, for assisting in putting a garrison into Chichester for the king, w. i. eod. die, and September 3, 1645.
s †. Sir John Temple, knt.
s †. Henry Peck, esq.

Horsham B.

c. s. Thomas Middleton, esq.
c Paul Ravenscroft, esq.

Midhurst B.

c. †. William Cawley, esq.
Dr. Chaworth, not duly elected.
o †. Thomas May, esq disabled Nov. 23, 1642, for putting a garrison into Chichester for the king, w. i. eod. die, and Sept. 11, 1645.
†. †. Sir Gregory Norton, bart.

Lewes B.

c. ||. Herbert Morley, esq
—— Rivers, esq. deceased, w. i. June 9, 1641.
†. Henry Shelley, esq.

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Shoreham B.

[illegible] John Alford, esq

[illegible] Nicholas Tufton, esq dec. w. i. July 24, 1646.

[illegible] Herbert Springet, esq.

Bramber B.

Edward Bishop, knt and

[illegible] Arthur Onslow, esq. Their election declared void, Dec 16, 1640, and the borough fined in upwards of any election this parliament, but the latter was re-elected.

[illegible] Thomas Bowyer, bart disabled November 1642, for assisting in putting in a new [illegible] contrary to the king's will and [illegible] September 14, 1643

[illegible] Temple, esq

Steyning B

[illegible] Buckhurst, eldest son of Lord [illegible], made his election for East [illegible]

[illegible] Thomas Leeds esq disabled Nov 28, 1642, for [illegible] offences in the last, w. i. [illegible] die, and September 12, 1645

[illegible] Thomas Trenchold, deceased, w. i. September 12, 1643

[illegible] Morley, esq.

[illegible] Burrell, esq deceased, w. i. September 30, 1643

Lewes or *Lewis* B

[illegible] Lord Buckhurst, disabled Feb. 5, 1643, for deserting the service of the house, [illegible] marks, and adhering to [illegible] September 30, 1645.

[illegible] Pelham, esq

[illegible] Parker, esq. his election to be void and Feb. 14, 1640. [illegible] his place

[illegible] John Baker, esq

Arundel B.

Henry Garton, esq deceased, w. i. November 1641

Sir Edward Alford knt disabled Jan. 1643 for the same offence as the [illegible] September 30, 1645

[illegible] Thomas [illegible]

[illegible] Herbert [illegible]

West Grinstead B

James [illegible] Compton, [illegible] earl of Northampton

[illegible] Lord [illegible]

[illegible] Dec. 2, 1642, for the same offence and [illegible] 1643 [illegible] 16

Richard Shelley, esq [illegible] October 11, 1643

[illegible] St. John, esq vice [illegible]

Thomas Bridgeman esq

Chichester C

Sir John Barker, knt [illegible]

Sir William [illegible] Culpeper.

Bramber B.

Sir Thomas Lucy, knt deceased, w. i. December 17, 1640.

William Perfey, esq.

[illegible] † Godfrey Bosvile, esq

WESTMORELAND.

Philip Musgrave, bart disabled March [illegible] for putting the Commission of array [illegible], w. i. October 13, 1645 [illegible] that [illegible]

o Sir Henry Bellingham, knt and bart disabled Oct. 11, 1645, for his delinquency to the parliament, w. i. eod. die.

† James Bellingham, esq

† Henry Laurence, esq

Appleby T.

o Richard Boyle, lord viscount Dungarvon, eldest son of Richard earl of Corke, whom he succeeded as such in Sept. 1643, disabled Nov 10, eod anno, on account of the cessation with the Irish rebels, w. i. September 25, 1645 Created baron of Londesburgh, November 3, 1643

o Sir John Brooke, knt. disabled Mar 15, 1642, for granting a warrant for raising of monies for the king's service in Lincolnshire, w. i. September 25, 1645 Created baron of Cobham, January 3, 1644

* † Richard Salway, esq

† Henry Ireton, esq.

WILTSHIRE.

o Sir James Thinn, knt disabled, w. i. December 30, 1645.

* Sir Henry Ludlowe, knt. was deceased in [illegible], w. i. Dec. 30, 1645.

* James Herbert, esq second son of Philip earl of Pembroke and Montgomery

† † Lieutenant-General Edmund Ludlowe.

Salisbury C

o Michael Oldsworth, esq.

o Robert Hyde, serjeant at law, disabled Aug. 1, 1642, for executing the Commission of Array, w. i. die proximo, and Sept. 30, 1645

[illegible] † John Dove, esq.

Wilton B.

o Sir Henry Vane, knt

o Sir Benjamin Rudyard, knt.

Downton B

o Sir Edward Griffith knt disabled Feb. 5, 1643 for deserting the service of the house, [illegible] the king's quarters and adhering to that [illegible] September 30, 1645.

* Alexander Thistlethwaite, esq.

Heydon B.

[illegible] Peter Brookes, esq.

[illegible] Miles Fleetwood, knt deceased.

* [illegible] Lenthall, gent. was deceased in [illegible] October, 1645.

† Johnson Lindley, esq

Heytesbury B

[illegible] Moore esq

Edward Ashton esq

Westbury B.

[illegible] William Wheeler, esq

[illegible] John Ash, esq.

Calne B

Hugh Rogers esq.

o George Low, esq disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. October 30, 1645.

* Rowland Wilson, esq. alderman of London.

Devizes B.

o Sir Edward Baynton, knt.

o et * Richard Nichols, Surgeant at law.

Chippenham B.

c. *. Sir Edward Baynton, knt.

c. Sir Edward Hungerford, knight of the bath.

Malmsbury B

c. s Sir Nevil Poole, knt.

e. Anthony Hungerford, esq. disabled, w. i. September 12, 1645.

‖. †. Sir John Danvers, knt. brother to Henry earl of Danby.

Cricklade B.

c. s. Robert Jenner, esq.

c. s. Thomas Hodges, esq

Bodmin B.

e. Sir Walter Smith, knt. and

o. Sir Richard Harding, knt both disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Jan. 2, 1645.

s. †. Henry Hungerford, esq.

‖. †. Edmund Harvey, esq.

Ludgershall B.

William Ashburnham, esq. expelled Dec. 9, 1641, for being concerned in a plot for bringing up the king's army in the North to overawe the parliament, w. i. eod die

c. Sir John Evelyn, knt.

†. Walter Long, esq. disabled Jan. 27, 1647, on account of a charge brought against him by Sir Thomas Fairfax and the army; but this order was revoked by another of the 9th of June, 1648.

Old Sarum.

Edward Herbert, esq. A new writ was issued for electing a burgess in his place, Jan 29, 1640, being solicitor-general when returned, but since made attorney-general, and, in that respect, to sit as an assistant in the Lords' house

c. Robert Cecil, esq. second son of William earl of Salisbury.

†. Sir William Saville, knt. and bart. disabled Sept. 6, 1642, for neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament, w. i. September 30, 1643, and June 15, 1646

†. Roger Kirkham, esq. deceased, w. i. December 21, 1640.

†. Sir Richard Lucie, knt and bart.

Wootton Basset B.

c. s. Edward Poole, esq.

o. William Pleydall, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Nov. 1, 1645.

s. †. Edward Massey, esq. disabled Jan. 27, 1647, on account of a charge brought against him by sir Thomas Fairfax and the army: but this order was revoked by another of the 8th of June, 1648.

Marlborough B.

Sir Francis Seymour, knt. created baron Seymour of Trowbridge, Feb. 19, 1640, w. i. 25 ejusdem mensis.

John Franklyn, esq. deceased, w. i. Nov. 12, 1645.

c. †. Philip Smith, esq.

†. Charles Fleetwood, esq.

WORCESTERSHIRE.

c. John Wylde, serjeant at law.

c. *. Humphrey Salwey, esq.

Worcester C.

n. John Coweher, esq.

c. s. John Nash, esq

Droitwich B.

o. Endymion Porter, esq. disabled March 10, 1642, w. i. Nov. 11, 1646.

o. Samuel Sandys, esq. disabled August 30, 1642, for executing the commission of array, w. i. eod die, and Nov. 11, 1646.

‖. †. Edmund Wylde, esq.

†. Col. Thomas Rainsburgh, killed at Doncaster in his way to the siege of Pontefract, w. i. November 18, 1648.

†. Nicholas Lechmere, esq.

Evesham B

Richard Cresswell, serjeant at law.

William Sandys, esq expelled Jan. 21, 1640, for being a monopolist, w. i eod die.

n. †. John Coventry, esq. second son of the late lord keeper Coventry, disabled Aug. 12, 1642, w. i. eod. die, and Sept. 12, 1645.

s. †. Samuel Gardiner, esq.

Bewdley B.

o. Sir Henry Herbert, knt. disabled Aug. 20, 1642, for executing the commission of array, w. i. eod. die, also Nov. 21, 1646, and May 10, 1648

†. Daniel Dobins, esq

YORKSHIRE.

c. Ferdinando lord Fairfax, deceased in 1647.

n. Henry Bellasis, esq disabled Sept 6, 1642, for neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament. On the 16th of March, 1647, writs were issued for electing two knights, but we do not find any election made.

York C.

c. *. Sir William Allanson, knt.

c. Thomas Hoyle, alderman.

Kingston-upon-Hull.

Sir John Lister, knt. deceased.

c. Sir Henry Vane, knt. jun

c. ‡. †. Peregrine Pelham, esq.

Knaresbrough B.

o. Sir Henry Slingsby, bart. disabled Sept. 6, 1642, for the same offence as the last, w. Sept. 12, 1645.

Henry Benson, esq expelled by vote November 2, 1641, for selling protections to divers men that were not his menial servants, and declared unworthy and incapable of ever sitting in parliament, &c. w. i eod. die. In his place

†. William Deerlove, esq. whose election was declared void, March 19, 1641, and

‡. †. Sir William Constable, bart. his election confirmed by the house.

†. Thomas Stockdale, esq.

Scarbrough B.

o. Sir Hugh Cholmley, knt disabled April 3, 1643, for betraying the trust reposed in him by parliament, falsifying his protestation, and revolting to the popish army raised against the parliament, w. i. Sept. 12, 1645.

John Hotham, esq. disabled Sept 8, 1643, for a design to deliver up Hull to the king, and executed the first of January following, w. s. Sept 12, 1645.

John Robinson, esq.

Sir Matthew Boynton, bart deceased, w. s. March [illegible] 1645

† John Anlaby, esq.

Ripon B

Sir John Mallory, knt. disabled Jan. 16, 1643, for appearing in arms against the parliament. w. s. Sept 12, 1645

William Mallory, esq. disabled Sept. 6, 1642, for neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament, w. s. Sept 12, 1645

† Miles Moody, esq. deceased, w. s. March 15, 1646.

† Sir Charles Egerton, knt.

† Sir John Bourchier, bart

Richmond B.

Sir William Penyman, bart. disabled Aug 11, 1642, w. s. and die, and Sept. 25, 1645.

Sir Thomas Danby, knt. disabled Sept. 6, 1642, for neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament, w. s. September 25. 1645.

† Thomas Challoner, esq.

† Francis Heyrick, serjeant at law

Heydon B

Sir William Strickland, knt

† John Allured, esq

Boroughbridge B

Sir Thomas Mauleverer, bart

Sir Philip Stapylton, knt. disabled Sept. 1, 1647, on account of a charge brought against him by sir Thomas Fairfax and the army, deceased at Calais in August 1647, w. s. Oct. 25, 2nd anno.

† Henry Stapylton, esq.

Thirsk B.

† John Bellasis, esq disabled Sept. 6, 1642. neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament, w. s. September 1, 1645, Created Baron Bellasis of Worlaby, January 27, 1644

Sir Thomas Ingram, knt. disabled the same day, and for the same offence as the last, w. s. Sept. 9, 1645.

Francis Lascelles, esq.

William Ayscough, esq.

Aldburgh B

Richard Aldburgh, esq. disabled the same day, and for the same offence as the last, w. s. Sept. 12, 1645.

Sir Robert Strickland, knt disabled January 21, 1642, for being in actual war against the parliament, w. s. Sept. 12, 1645

Thomas Scot, esq. deceased, w. s. March 2 1647.

Bryan Stapylton, esq.

† James Challoner, esq.

Beverley B.

† John Hotham, knt. and bart. disabled Sept. 7, 1643, for his design to betray that Hull to the king; and beheaded the second of January following, w. s. Sept 1, 1645

Michael Warton, esq disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. s. Sept 1, 1645.

† John Nelthorp, esq

† James Nelthorp, esq.

Pontefract B

Sir George Wentworth of Wooley, knt. disabled Sept. 6, 1642, for neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament, w. s. Sept 12, 1645.

Sir George Wentworth of Wentworth-Woodhouse, knt. brother to the earl of Strafford, by whom he was knighted in Ireland when lord-lieutenant there, disabled Jan 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. s. August 11, 1646

†. Henry Arthington, esq.

† William White, esq secretary to Sir Thomas Fairfax

Malton B

Thomas Hebblethwaite, esq. disabled November 20, 1644, for having assisted the king's commissioners of array, w. s. Sept. 17, 1645.

John Wastell, esq

† Henry Darley, esq

*Allerton B**

Sir Henry Chunley, knt

Sir John Ramsden, knt dis bled for being in arms against the parliament at Selby, in April 1644

† Richard Darley, esq

CINQUE PORTS.

Hastings

John Ashburnham, esq and

Sir Thomas Eversfield, knt both disabled Feb 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. s. Sept. 3, 1645.

† John Pelham, esq.

† Roger Gratwick, esq.

Romney.

Philip Warwick, esq made his election for Radnor, w. s. N. v. 7. 1640.

Thomas Webb, esq. expelled Jan. 21, 1641, for being a monopolist in the sealing of Bonelace. w. s and die.

† Sir Norton Knatchbull, bart.

† Richard Brown, esq.

Hythe.

Sir Henry Hayman, bart.

John Harvey, esq. deceased, w. s. August 21, 1645

† Thomas Westrow, esq.

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* On the 11th of Dec. 1640. the Commons ordered, That the towns of Malton and Allerton, which formerly sent burgesses to parliament, should be restored and re-admitted to their ancient privileges.—*Commons Journals.*

Dover.

Sir Peter Hayman, kni. deceased, w. i. February 10, 1646.

c. Sir Edward Boys, knt. deceased, w. i August 11, 1646

* † Benjamin Weston, esq.

‡ †. John Dixwell, esq

Sandwich.

c. s. Sir Edward Partenciche, bart.

Sir Thomas Peyton, bart disabled Feb 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 17, 1645.

s. †. Charles Rich, esq

*Seaford.**

c. s. Sir Thomas Parker, knt.

c s Francis Gerrard, esq.

Rye.

Sir John Jacob, knt. expelled January 21, 1640, for being a monopolist of tobacco, w. i. eod. die

o. John White, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 3, 1645.

†. William Hay, gent.

‖. †. John Pigg, esq

Winchelsea.

Sir Nicholas Crispe, knt. expelled Feb 2, 1640, as a mooopolist for copperas stones, w. i. eod die.

Sir John Finch, knt. was deceased in 1644, w. i. Sept 3, 1645.

c. o † William Smith, esq. disabled, w. i. Sept. 3, 1645.

s. † Henry Oxenden, esq.

†. Samuel Got, esq.

WALES.

ANGLESEY.

o. John Bodville, esq. disabled Feb 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 7, 1646.

Beaumaris B.

John Griffith, sen. esq deceased Aug. 10, 1642, w. i. Dec 7, 1646.

s. †. William Jones, esq.

BRECON.

o. William Morgan, esq. deceased, w i June 27, 1649.

†. Col. Philip Jones, elected in February, 1649.

Brecon T.

o. Herbert Price, esq. disabled, w. i. Dec. 5, 1645.

†. Lodovicus Lewis, esq.

CARDIGAN.

o. Walter Lloyd, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. June 5, 1646.

†. Sir Richard Price, bart.

Cardigan T.

John Vaughan, esq. disabled Sept. 1, 1643, and w. i. June 5, 1646.

‡. †. Thomas Wogan, esq.

CARMARTHEN.

o Sir Henry Vaughan, kt disabled, w. i. February 10, 1645.

s †. John Lloyd, esq.

Carmarthen T.

o. Francis Lloyd, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Feb. 10, 1645.

s. †. William Davies, esq.

CARNARVON.

o. John Griffith, jun esq. disabled Aug. 10, 1643, and w. i. Dec. 7, 1646

s. †. Sir Richard Wynn, knt

Carnarvon T.

o. William Thomas, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 8, 1646.

s. †. William Foxwist, esq.

DENBIGH.

c. s. Sir Thomas Middleton, knt.

Denbigh T.

s. Simon Thelouall, jun esq.

FLINT.

o. John Mostyn, esq. disabled Feb. 5, 1643, for the same offence as the last, w. i. September 11, 1646.

†. John Trevor, esq.

Flint T.

o. John Salisbury, jun esq. disabled Feb. 5, 1643, for the same offence as the last, w. i. Sept. 11, 1646.

s. †. Thomas Middleton, esq.

GLAMORGAN.

Philip lord Herbert, eldest son of Philip earl of Pembroke and Montgomery, succeeded to his father's titles in February 1649, but continued to sit as a member of the house of commons

Cardiff T.

William Herbert, esq. disabled. He was killed at the battle of Edgehill on the part of the king, w. i Dec 5, and Jan. 21, 1645

‖. †. Algernon Sidney, esq.

MERIONETH.

o. William Price, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 8, 1646.

†. Roger Pope, esq. deceased, w. i. Aug. 20, 1647.

‡. †. John Jones, esq.

MONTGOMERY.

o. Sir John Price, bart. disabled October 20, 1645, for deserting the parliament, and adhering to the enemy's party, w. i. November 11, 1646.

‡. †. Edward Vaughan, esq.

* On the 4th of Feb. 1640, the Commons resolved, That the town of Seaford having sent burgesses to parliament, in former times to three several parliaments, should be restored to its antient privilege of sending burgesses.—Com. Journ.

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Montgomery T.

o Richard Herbert, esq disabled Sept. 12, 1642 for putting the Commission of Array in execution in the county of Salop, w. 1 Nov. 11 1646

† George Devereux, esq.

Pembroke.

John Wogan, esq.—was deceased in 1644, w. Dec 5, 1646

s † Arthur Owen, esq.

Pembroke T.

o Sir Hugh Owen, knt.

Hereford West

o Sir John Stepney, bart. disabled, w. 1 September 25, 1645

s † Sir Robert Needham, knt

RADNOR

o Charles Price, esq disabled, w. 1. March 29, 1646

† Arthur Annesley, esq.

Radnor T.

o Philip Warwick, esq. disabled Feb. 5 1645, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. 1 Jun 21, 1645, and March 19, 1646.

s † Robert Harley, esq.

The King's Speech on opening the Parliament.] The king being come to the house of lords, and seated in the throne, his majesty signified his reasons for calling this parliament, in the following Speech

"My Lords; The knowledge I had of the designs of my Scots subjects, was the cause of my calling the last assembly of parliament, wherein, had I been believed, I sincerely think that things had not fallen out as now we see But it is no wonder that men are so slow to believe, that so great a sedition should be raised on so little ground. But now, my lords and gentlemen, the honour and safety of this kingdom being so near at stake, I am resolved to put myself freely and clearly on the love and affection of my English subjects; as those of my lords that waited on me at York may very well remember I there declared.—Therefore, my lords, I shall put mention unto my own interest, or that support I might justly expect from you, till the common safety be secured; though I must tell you, I am not ashamed to say, those charges I have been at, have been merely for the security and good of this kingdom, though the success hath not been answerable to my desires. Therefore I shall only desire you to consider this best way, both for the safety and security of this kingdom; wherein there are two parts chiefly considerable, first, the chasing out of rebels; and secondly, that other in satisfying your just Grievances; wherein I promise you to concur so heartily and clearly with you, that all the world may see my intentions as ever been, and shall be, to make this a glorious and flourishing kingdom. There are only two things that I shall mention to you; the one is to tell you, that the loan of money which I had lately from the city of London, (wherein the lords that were then on me at York assisted me,) will only maintain my army for two months, from the beginning of that time it was granted Now, my lords and gentlemen, I leave it to your consideration, what dishonour and mischief it might be, if, for want of money, my army be disbanded, before the rebels be put out of this kingdom Secondly, the security against the calamities the Northern people endure at this time, and so long as the treaty is on foot And in this, I say, not only they, but all this kingdom will suffer the harm. Therefore I leave this also to your consideration For the ordering of these great affairs, where it you are to attend at this time, I am so confident of your love to me, and that your care is for the honour and safety of the kingdom, that I shall freely and willingly leave it to you where to begin Only this, that you may the better know the state of all the affairs, I have commanded my lord keeper to give you a short and true account of those things that have happened in this interim; with this protestation, that if this account be not satisfactory, as it ought to be, I shall, whensoever you desire, give you a full and perfect account of every particular. One thing more I desire of you, as one of the greatest means to make this a happy parliament, that you, on your parts, as I, on mine, lay aside all suspicion one of another, for, as I promised my lords at York, it shall not be my fault, if this be not a happy and good parliament."

The Lord Keeper's Speech.] The king having ended his Speech, John lord Finch, lord keeper of the great seal, made the following speech

"My lords, and you the knights, citizens, and burgesses of the house of commons.—You have been summoned by his maj.'s gracious writ, under the great seal of England, and you are here this day assembled for the holding of a parliament. The writ tells you, 'Tis to treat and consult of the high, great, and weighty affairs that concern the state and safety of the kingdom' It tells you true; for, since the conquest, never was there a time that did more require, and pray for the best advice and affection of the English people. It is ill viewing of objects, by viewing them in a multiplying glass; and it is almost as mischievous in the species of such a broken glass, which represents but to the half The only and the perfect way is to look in a true mirror. I will not take upon me to be a good looker in it: I will only hold it to you to make use of it.—The kingdom of England is this multiplying glass; you may there see a state which hath flourished for divers hundred years, famous in time of peace and war, glorious at home, and ever considerable abroad; a nation to whom never yet any conqueror gave new laws, nor abolished the old; nor would this nation ever suffer a conqueror to meddle with their laws, no not the Romans; who yet, when they subdued all the people, made it part of their conquest to lend their laws in triumph with them. For the Saxons,

Danes, and the Normans, if this were a time to travel in such particulars, it were an easy task to make it appear, that they never changed the old established laws of England, nor ever brought in any new; so that you have the frame and constitution of a commonwealth made glorious by antiquity. And it is with states, as with persons and families, certainly an uninterrupted pedigree doth give lustre. It is glorious in the whole frame, worth your looking upon long, and your consideration in every part.—The king is the head of the common-wealth, the fountain of justice, the life of the law; he is anima & delicia legis. Behold him in the happy times, that we have so long lived under his monarchical government.—For his excellent maj. that now is, our most gracious sovereign, you had need wipe the glass, and wipe your eyes, and then you shall truly behold him a king of exemplary piety and justice, of rare endowments and abilities of nature and what he hath got by acquisition, depth of judgment, quickness of apprehension, unparalled moderation in great counsels and great affairs, such as you, my lords, that had the happiness to attend him at the council of peers at York, to our great joy and comfort can witness, and after-ages will remember, to his eternal honour and fame.—For his just and pious government I dare boldly say, that if any under him, as an instrument, who have had the distributing of justice to his people, have not done as they ought, the fault is their own, and they have done contrary to the royal nature and express command of our gracious sovereign, from whom I have often learned this golden rule and maxim, 'He serves me best, that serves me with honesty and integrity'.—Behold him in another part of himself, in his dearest consort, our gracious queen, the mirror of virtue; from whom, since her happy arrival, now after three lustres of years, never any subject received other than gracious and benign influence: and I dare avow, as she is nearest and dearest to our sovereign, so there is none, whose affections and endeavours (his maj. only excepted) have, or do, or can co-operate more to the happy success of this parl. and the never-to-be-equalled joy and comfort of a right understanding between the king and his people.—Behold him in his best image, our excellent young prince, and the rest of the royal and lively progeny, in whom we cannot but promise to ourselves to have our happiness perpetuated.—From the throne, turn your eyes upon the two supporters of it; on the one side, the stem of honour, the nobility and clergy; on the other side, the gentry and commons.—Where was there, or is there in any part of the world, a nobility so numerous, so magnanimous, and, yet with such a temper, that they neither eclipse the throne, nor overtop the people, but keep in a distance fit for the greatness of the throne?—Where was there a common-wealth so free, and the balance so equally held as here? And certainly as long as the people is duly held, it cannot be otherwise. In right angles, if you turn the line one never so little, it groweth either acute or obtuse; and so in states, the least deviation makes a great change. but his majesty's great wisdom and goodness, and the assurance of this honourable assembly, I do not doubt, will be a means to make us so steer between the tropicks of modernism, that there be no declension from the pole of security.—I am, by his maj.'s command, to relate to you some proceedings since the last assembly here.—You may remember, the summer preceding this last, his maj. went with an army into the north, engaged in honour so to do, by reason of the courses that were taken by divers of the subjects of Scotland, to the prejudice of monarchy, and rendering less glorious this kingdom. I know not under what pretence, but at that time they came very near England with an army, so that it was believed they would have then entered and invaded the kingdom. They did profess the contrary, neither did they want remonstrances and declarations to infuse this opinion into the hearts of his majesty's people, before it could appear by the effects, what their intentions from the beginning were. His majesty, by his goodness and wisdom, settled a peace, and made a pacification at Berwick, upon which both armies were disbanded; which pacification, and every article of it, his majesty, on his part, hath been so far from violating, that whensoever any question shall be made of it, it shall plainly and clearly appear that it was his care to see it in all things performed. On the contrary, those subjects of his, not contented with that grace which his royal clemency gave them in those articles of pacification, have not only strained them beyond the bounds and limits of the intention and meaning, but they have over and above attempted, and acted divers things so prejudicial to monarchy, and contrary and repugnant to the law, and settled constitution, and usage of that kingdom, that his majesty could not in honour connive at it.—This being made known unto his maj. and to his privy council, by those who best knew the state and affairs of that kingdom and that were most trusted and employed by his maj., his maj. by the unanimous consent of his privy council, resolved to raise an army to reduce them to a modest and just condition of true obedience and subjection, to defend this kingdom from all damage and danger, which by their means, how speciously soever they shadow their pretences, might fall upon it.—His maj. then foresaw and foretold, that though the raising of an army at this time, was but to stand upon their own defence, as they professed, yet they had an intention to enter this kingdom, and to seize upon some place of importance and eminency, and his maj. in particular named Newcastle.—Had his maj. then had means and money, as well as he had certain knowledge of their intentions, I do believe that those calamities that have fallen upon that town, and the counties adjoining, had been prevented. Perhaps the misinterpretation of his

maj.'s intentions, and the misunderstanding of his acts us, and, I am afraid, the too benign interpretation of the attempts, actions, and professions of the subjects to be ashamed, added some impediment to that which the most of us, I hope, have lived to repent of.—His maj. however, meant in person to the North, to see his army ordered, and to take care for the safety and defence of this kingdom, as much as he possibly could. He had not long been there, but that which he foresaw and foretold fell out: for the Scots passed with their army, the rivers Tweed and Tyne, and seized upon Newcastle, which of what importance it is, you all know, and then they fell in action of the county of Northumberland, and the bishoprick of Durham, besides many other parts and destructions that were committed.

His maj. was considering of what might and ought to be done, and then having neither time nor place to call this assembly of parl. he did resolve, as had been frequently used, to summon a great council of all the peers; that, by their advice and assistance, there might be an interruption given to the calamity that was likely to spread over the whole kingdom; and commanded writs to issue out accordingly.—This was not done to prevent, but to prepare for a parliament. It was not to usher or divert this assembly, by acting any orders in any thing which belonged to this high and supreme jurisdiction, but only to give their assistance for the present, to conduct things more to the great assembly.—That his maj.' intentions were so, is clear; for before any petition was delivered, or ever an humble or private petition for a parliament, his maj. had resolved to call one.—The lords understood it, as will plainly appear by the proceedings of that assembly, of which, if those that were of my counsel there, had been same to speak as those help I rested for my part concerning, I should have been better able to have given you an account; and his maj. was pleased to let you know, That when there was no occasion of any particular, you may be sure of it. According to his maj.'s command, on the 24th of Sept. all the peers that were summoned, except some few, did meet; where his majesty was, in the first place, pleased to declare unto us his resolution to call a parliament; and to all our joys and contents, as he has now done it to yours and ours, declared, that there was nothing he did more desire than to be rightly understood of his people: and whosoever he be that shall go about to infect it (I am sure he cannot) to attempt or endeavour to alter this gracious declaration and resolution of his maj.; or whosoever shall go about to possess the hearts of his good subjects, with an opinion that it cannot be so, or touch the affection of his loving subjects, (for certainly never subjects of the world better love their king than the English, nor ever did a king deserve better love a king than now) if I there be any such, may a curse and punishment fall upon them; besides the joy it must be established for ever.—His maj. was then pleased to tell us the cause for which he had called us together. In the first place, it was touching an answer to a petition that had been since his coming to York, and before his assembling the lords, sent unto him from those his subjects of Scotland, that were at Newcastle. The first thing that his maj. desired their advice in, was his answer to that petition.—The next thing his maj. commended, and all that were there were of one opinion, with one voice and consent, That it was not fit his maj. should disband his army so long as the Scots army was united: until his majesty wished them to take into consideration, what way to have maintenance for his army in the mean time.—His maj. having opened the cause of calling them together, was pleased to express himself, That he would leave to the lords their freedom of debate, and that he was ready to have gone from the council; but, as he himself said to the lords, he stayed: and I am persuaded, that nothing was of that joy to them, as his majesty's presence, with such freedom of discourse did every one declare, with such great alacrity and cheerfulness in his maj. hear them, and such content did they take in his moderating, guiding, and directing those councils.—My lords, as holding it most necessary, took the letter of these to consideration, and by his maj. into their thoughts, and that was the supplying and supporting his maj.'s army, till this parliament might take some course in it. His maj. and my lords did declare themselves, as before I have opened unto you, That they could never accept, nor had the least thought to make, by any act or order, any thing tending to change the subject, but that it might be left wholly to the supreme jurisdiction; and therefore that acting any other way, they looked to letters to addle themselves to the city of London, and with their letters they sent half a dozen of my lords, viz. my lord Privy-Seal, my lord of Carr, who was appointed to go, but his urgent occasions prevented him, viz. Camden, lord Coventry, lord Cornw., and **. And as these lords all express the joy and content they took in the king's grace, so the confidence they had of his gracious assistance was such, that they did freely offer themselves unto, as I dare say there is none but is yet ready to enter into security with his maj. And the city gave an answer fit for the chamber of a king, and part of the money is already lent, and they will be ready, I assure myself, to supply the rest. For the other part, the first thing propounded by his maj. was touching the answer to be given to that petition, and to the demands of the subjects in Scotland: upon which occasion his maj. was pleased, by those great officers and ministers of his that knew best, and understood the laws and usages of that kingdom, to expound their demands particularly; and to make appear unto their lordships, upon every one, wherein they had exceeded the articles of pacification, which his maj. your dread majesty

be the square and rule of the treaty with them. —My lords took into consideration what was fit to be done; for his maj. then professed, as he did often during the time of that council, to be wholly ruled, guided, and directed by their advice: for the honour of this nation, and safety of it, he did leave it to their wisdoms and considerations, against whose advice, and without whose judgment and advice, he would do nothing.—My lords howsoever they had received this information, and explanation upon every particular of their demands, yet, in justice, they thought it was fit to hear what could be said on the other side, how the objections might be answered, and what objections might be made by them against that which seemed to be plain enough. For this purpose they were all of opinion, and his maj. was pleased to be of the same opinion, that some lords, selected and trusted by that great council, should treat with those subjects of Scotland upon all those particulars, to the end that they might see what they did clearly intend; that so a firm peace, which was most desired from us, might be had, or a just war be begun.—My lords of the great council that were appointed for that purpose, were the earls of Bedford, Hertford, Essex, Salisbury, Warwick, Bristol, Holland, and Berkshire; the barons were the lords Wharton, Paget, Kimbolton, Brook, Powlet, Howard of Escrick, Saville, and Dunsmore.—After which choice, and some general instructions proceeding from the debate and discourses to that great council, a commission under the great seal was given unto them, to enable them to treat and conclude as they, in their wisdoms and judgments, should think fit.—The place appointed for this treaty was at Ripon, where the lords commissioners wanted the happiness of that, which they and we had at York, his maj.'s presence, and that might be the occasion that more time was spent in it, than otherwise would have been: yet my lords omitted not their parts, but were desirous to look into the depth, to see the utmost extent of their demands.—But before those of Scotland could come to the main treaty, to explain themselves touching their demands, they made a preparatory demand for maintenance for their army, and did go so high as to demand 40,000*l.* a month. My lords (that were very unwilling to do any act, or make any order whatsoever, as I have opened unto you, for the sustenance, maintenance, and keeping a-foot his majesty's army, without this great assembly, which yet they all held fit should not be disbanded) were much startled at the demand of maintenance for an army which was not the king's, and which they did wish could not continue.—But my lords, as under that name they could not bear it, yet they took into consideration the miserable condition of Northumberland, Newcastle, and the Bishoprick of Durham; they took into consideration too the counties of Cumberland and Westmoreland; which, if the Scots army should enter, were not able at that time to defend themselves, and it was inconvenient to bring the king's army thither.—Nay, their lordships were satisfied, that the county of York was in danger, and that not to be prevented, but by a battle, if the Scots came on with an army; and my lords were loath, where there were such odds, that a battle should be adventured. And if the county of York should be in danger, we might quickly foresee how the danger might run over the whole kingdom.—And my lords well those that remained at York, as those at Ripon, having received complaints from the bishop of Durham, and from Northumberland and Newcastle, and the mayor of Newcastle being imprisoned, and some of his brethren (as was represented unto them) kept without fire or candle; and having heard of divers wastes and spoils done in the country, my lords did think fit, that since the county of Northumberland, the bishoprick of Durham, and Newcastle, had already made a composition and agreement, that they would at least ratify and confirm the composition and agreement, so as there might be a cessation of arms and acts of hostility, and that they which had fled from their dwellings in those counties, might return in safety: my lords, for these reasons, thought fit, at present, to give way unto them, rather than to hazard so great calamity and affliction as would have fallen on those counties: hereupon they did conclude for 850*l.* per diem; and this to continue for two months, if the treaty before took not effect; the two months to begin from the 16th of October: then they took articles for the cessation of arms.—So now, the state and condition of things, as they were acted, I have shortly and summarily delivered to you: I dare not venture on too many particulars, lest my memory should fail; and if I have not done his maj.'s command, I beg his maj.'s Pardon. And, my lords, of what weight and importance this is to the whole kingdom, what deep consideration it requires in our affection, what unsuspected affections we had need bring with us, is easy to judge. It is his maj.'s pleasure, that you of the house of commons repair to your own house, to chuse your Speaker, whom his maj. expects you will present to him on Thursday next, at two of the clock in the afternoon."

The Speaker's Speech.] Nov 5 The commons presented William Lenthall, of Lincoln's Inn, esq; for their Speaker; who, with the usual ceremonies, was approved of by the king, after which he made the following speech.

"Most gracious and dread sovereign, In all submissive humbleness the knights, citizens, and burgesses of the house of commons are here assembled; who, taking along with them your gracious inclination, have designed me their Speaker, according to their antient liberties. Whereas I cannot but lament to think, how great a mist may overcast the hopes of this session; yet it is a note of favour to me, who cannot but judge myself unfit for so great an employment, and which appears so to the

whole world. Many there be of deep judgment, and great experience, that might have added lustre to this action, and expedition to the work, if they had pleased to have left me in that mean condition they found me;

'Non nihil tamisse nocet, nocet esse locutum'

and then might your sacred and pious intentions have had their full advancement.—But is it yet too late? May I not appeal to Cæsar? Yes, I may; and, in the lowest posture of humility, I humbly beseech your sacred majesty to interpose your royal authority to command a review of the house, for there were never more than now fitted for such employments."—[Then my lord keeper, by his maj.'s direction, approved of him and the commons choice; upon which he proceeded thus:] It pleaseth not your maj. to vouchsafe a change: actions of kings are not to be by me reasoned. Therefore, being emboldened by this gracious approbation, give me leave a little, dread sovereign, to express my thoughts unto our gracious lord the king.—I set before my eyes the majesty of Great Britain, the glory of times, the history of honour, Charles I in his forefront, placed by descent of ancient kings, settled by a long succession, and continued to us by a pious and peaceful government.—On the one side, the monument of glory, the progeny of valiant and puissant princes, the queen's most excellent majesty. On the other side, the hopes of posterity, the joy of this nation, those olive branches set around your tables, emblems of peace to posterity. Here shine those lights and lamps placed in a mount, which attend your sacred maj. as supreme head, and borrow from you the splendor of their government. There the true state of nobility, figures of prowess and magnanimity, hitch, by the long contracted honour in their blood, for the council of princes.—In the midst of these, the reverend judges, whither both parties (as to the oracles of judgment and justice) may resort: cisterns that hold fair waters, wherein each deviation, each wrinkle is discernable, and from whence, as from the center, each crooked line ought to be levelled. The footstool of your throne is fixed there, which renders you glorious to all posterity.—Here we the knights, citizens, and burgesses of the commons house, at your royal feet, contracted from all parts of your kingdom, ensigns of obedience and humility; all these united by the law equally distributed, which cements this great body to the obedience of your sacred maj. and compels as well the hearts as the hands, to contribute for the preservation of your majesty and the common interest; dissipates the invaders of the church and commonwealth, and discovers the impostors; but, give me leave, dread sovereign, knits the crown to the sacred temples, and frees maj. from the interpretation of misgoverning. Amongst these, this great council is your sovereign against the distempers of this time.—Were they infested at sea, troubled with storms, or wounded from without, their sanctuary of refuge; hither was the resort; and no other way found for a foundation of peace.—It is reported of Constantine the Great, that he accounted his subjects purse his exchequer: and so it is. Subtle inventions may pick the purse, but nothing can open it but a parliament, which lets in the eye of sovereignty upon the public maladies of the state, and vigilancy for the preservation of our antient liberties. For this we need not search into antiquity; if we look but a little back, there we shall see our just liberties graciously confirmed by your most sacred majesty.—And is our happiness shut up in the remembrance of times past only? No; those gracious expressions lately fallen from your sacred lips, as honey from the comb, make glad the hearts of your people.—So that now we do more than promise to ourselves a large and true consideration of the ways to crop the distempers of these kingdoms, and then present them to your royal hands for perfection.—And such shall be our department, that as we shall labour the continuance of our liberties, so shall we carry a high regard to preserve that sovereign power, wherewith your maj. is invested for the preservation of your kingdom, and to render your sacred maj. terrible to the nations abroad, and glorious at home.—Are these the fruits we have enjoyed by parliaments? We cannot then but wonder at that horrid intention in this place projected, 'Monstrum horrendum, informe, ingens,' but, the Lord be thanked, 'cui lumen ademptum est.' Can this receive a palliation? Men, brethren, and brethren, and all at one blast! No reverence to sacred bones or princes! Were we not all in a lump by them intended to be offered up to Moloch? Let us never forget this day's solemnization. But whither? It is too much boldness to presume longer upon your maj.'s grace and goodness; and therefore, for the better expedition of this service, we humbly desire, 1 That ourselves and servants may obtain freedom from arrest of their persons and goods. 2 That we may have the liberty of speech, without confinement, with a full and free debate. 3 That your maj. will vouchsafe our repair to your sacred person, upon matters of importance, according to the antient privileges of the house. That with such alacrity we may now proceed to manifest to the world that our remonstrances were to reinforce a greater unity and duty; and to endeavour a sweet violence, which may compel (pardon, dread sovereign, the word 'compel') your majesty to the love of parliaments. And God will crown the honour; your sacred majesty, the splendor, the kingdom, safety, and all our votes shall pass, That your sacred majesty may long, long, long reign over us, and let all the people say, Amen."

The King's Speech to the Lords.] The commons being withdrawn, the king again spoke to the lords, in particular, in these words

"My lords, I do expect that you will hastily make a return to the house of commons, of

those great affairs, for which I have called you hither at this time; and also the trust I have reposed in them, and how freely I put myself on their love and affections, and that you may know the better how to do so, I shall explain myself as concerning one thing I spoke to the last day I told you the rebels must be put out of this kingdom ... it is true I must needs call them so, so long as they have an army that doth invade us, and although I am under treaty with them, and under my great seal do call them my subjects; for so they are too. But the state of my affairs in short is this; it is true I did expect, when I called my lords and great ones at York, to have given a gracious answer to all their Grievances; for I was in good hopes, by their wisdoms and assistances, to have made an end of that business; but I must tell you, that my subjects of Scotland did so delay them, that it was not possible to end there.—Therefore I can no ways blame my lords that were at Ripon, that the treaty was not ended; but must thank them for their pains and industry; and certainly had they as much power as affections, I should, by this time, have brought these distempers to a happy period: so that now the treaty is transported from Ripon to London; where I shall conclude nothing without your knowledge, and, I doubt not, but by your approbation; for I do not desire to have this great work done in a corner. I shall upon all the steps of this misunderstanding, and causes of this great difference between me and my subjects of Scotland; and I doubt not, by your assistance, to make them know their duty, and to make them return, whether they will or no."

In order to set the proceedings of both houses in a clearer light, we shall give the preference to those of the commons, since all or most of the material articles had their origin in that house; subjoining, from day to day, the proceedings of the lords, as they concurred with the others, or started any new matter of themselves.

The Commons appoint several Committees.] Nov. 6. The commons resolved to move the lords to join with them in a petition to his maj. to appoint a day for a Fast. Several committees were appointed, viz. for privileges, for elections, for religion, for grievances, for courts of justice, for trade, and for Irish affairs. This last was debated, whether it should be referred to a committee of the whole house, or a select one. on a division, it was carried for the former, 165 against 132.

Nov. 7. A resolution passed, "That Mr. Henry Burton, Dr John Bastwick and Mr Prynn shall be sent for forthwith, by warrant of the house; and withal to certify by whose warrant and authority they were released." This affair will be taken notice of in the sequel.

Speeches relating to Grievances.] Grievances being the first thing complained of in the house, in petitions from several counties, and supported by the members who presented them, the first speech we meet with, made in this parliament, after the king's and other ceremonial ones were ended, was by Mr Pym; who, in he seems to have summed up all the national Grievances together. It is as follows:*

Nov. 7. Mr. *Pym* stood up, and said—"To redress Grievances will not hinder [illegible] further the king's service. To take away the weights, as much advantages motion, as to add wings. His method was, 1. Several Heads Grievances. 2. Hurtful to the king as to the people. 3. And the Remedy equally good to both of them. That the king can do no wrong, the law casts it upon the ministers. The influence of Heaven conveyeth vigour into the sublunary creatures, but the malignity of epidemical diseases proceeds from the ill affected qualities of the earth or air.—His order was to mention three Grievances, 1. Against Privilege of Parliament. 2. Prejudice of Religion. 3. Liberty of the Subjects. For the 1st, the members are to be free from arrests; to have liberty of speech; a legislature, judicatory, and coactive power being to the body politic, as the faculties of the soul to a man. These privileges have been broken. 1. In restraining the members from speaking. 2. In forbidding the Speaker to put a question: both of those practised in the last parliament. 3. By imprisoning divers members for matters done in parliament. 4. By proceedings against them therefore in the inferiour courts. 5. Enjoining their good behaviour, and continuance in prison even to death. 6. In abrupt dissolution of parliaments, the great grievance; like the execution of a man, without being heard. It receives a being by the summons, and a civil death by dissolution; not only thereby to die, but to be made *intestables*, not to make their wills.—The 2nd, Incouragement to Popery. 1. By suspension of all laws against them: that there can be no security from Papists, but in their disability; their principles being incompatible with any other religion; laws will not restrain them, oaths will not, the Pope dispenseth with both; and his command acts them against the realm in spirituals, and temporals in spiritualia. Hen 8 and Henry 4 of France were no protestants, yet were murdered because they tolerated reformation. Their places of trust and honour in the commonwealth. 3. Their free resort to London and to the court, to communicate their counsels and designs, diving into the secrets of state. 4. That as they have a congregation of cardinals at Rome, for advancing the Pope's authority in England, so have they a nuncio here to the execution thereof.—Innovations of Religion introduced. 1. Maintenance of Popish tenets in books, sermons, and disputations.

* From a book, intitled, 'Speeches and Passages of this great and happy Parliament, from the 3d of Nov. 1640, to this instant June 1641, collected into one volume, and, according to the most perfect originals, exactly published.' Printed for Wm. Cook, at Furnival's Inn-Gate, Holborn, 1641.

... of Popish ceremonies countenanced ... enjoined, as, altars, images, crucifixes, ...; he compared these to the dry bones ... Ezekiel, which first came together, then ... and flesh came upon them, afterwards ... skin covered them, and then breath and ... put into them; so first the form, then ... and the ... Popery. 3 Preferment ... persons popishly affected. 4 Discouragement of protestants, by over rigid prosecutions ... the scrupulous for things indifferent, no vice ... made so great as nonconformity, by punishing, without law, for not reading the Book of ... Recreations, for not removing the ... communion-table altar-wise; not coming in ... rails to receive the communion, for preaching ... on the Lord's day after noon; for catechising otherwise than as in the short catechism ... the Common-Prayer Book. 5 And lastly, ... the encroachment of ecclesiastical jurisdiction, particularly, 1 In fining and imprisoning without law. 2 Challenging their jurisdiction to be appropriate to their order, jure divino. 3. Contriving and publishing new Articles of Visitation, and new Canons, the boldness of bishops and all their subordinate officers and officials.—The 3rd part of Grievances; in which discoverers be observed rather the order of time when they were acted, than of the consequence; but when he comes after to the more, then he will persuade to begin with the most important; namely, Tonnage and Poundage, and the late new Book of Rates, taken by prerogative without grant of parliament, from whence these inconveniences follow: 1. Men's goods are seized, and their suits in law stopped. 2. Misimployment of the sums of monies imposed, not aided for the guard of the sea, which are disbursed to other uses, and a new tax raised for the same purpose. 3. The burthen excessive, trade hindered, home commodities abased, and foreign enhanced: by which means the stock of the kingdom is diminished, especially insupportable to the poor planters in America, by the tax upon Tobacco.—The 4th general Grievance, Composition for Knighthood; which, though it refers to a former custom, yet, upon the same grounds, the king may renew it by a new fine; immoderate multiplication of distress and issues, and enforced compound with the commissioners, limitation of monopolies by the Soap Patent, undertaken by papists, full of mischief. 1. By impairing the goodness and enhancing the price of salt, soap, beer, and coals. 2 Under colour of which, trade was restrained to a few hands. 3. Many illegally imprisoned.—The great and unparalleled Grievance of Ship-Money being aggravated, not supported by the judgment; which is not grounded upon law, custom, precedent, or authority. It being improper for a case of necessity, abounding in variety of ...; as, 1. The general assent to all per... all times, and the subject left remediless. ... arbitrary proportion without limits. 3. ... posed by writ, and disposed by instructions: improper for the office of a sheriff in the inland counties, and inconvenient for the inhabitants; without rule or suitable means for the levying or managing of it.—The Enlargement of Forests beyond the bounds of the statute 28 Edw. I. which perambulations then were the cause, after, of that famous Charta de Foresta; and now reviving those old questions, new distempers may follow. The particular obliquities be numbered thus, 1. Surreptitious proceedings, as in Essex; yet that verdict was inforced in other counties, and ... upon the matter, after 3 or ... years quiet possession of the subject, enforced to compound for great fines.—The selling of Nusances. The king, as father of the commonwealth, is to take care of the public commodities and advantages of the subjects; as rivers, highways, common sewers, by ordinary writs ad quod dampnum; but now, by a course extrajudicial, by enforcing compositions: so then, if a nusance be compounded for, it is a hurt to the people, it no nusance, then it is used to the jury's prejudice.—The commission for Buildings about London, which was presented as a grievance in the time of king James, is now much more increased, and more prejudicial. The commission for Depopulations began some few years since. By both these commissions the subject is restrained from disposing of his own; demolishing their houses, punishing and fining their persons, so that they are still liable by law; for the king cannot licence a nusance: and although these are not nusances, yet it is all consequence to be compounded for, and may make a precedent for kings to licence such things as are nusances indeed.—Military Charges ought not to be laid upon the people by warrant of the king's hand, nor by letters of the council-table, nor by order of the lords lieutenants of the counties nor their deputies. It began to be practised as a loan, for supply of coat and conduct-money, in queen Elizabeth's time, with promise to be repaid it; as apparently a constant warrant in the exchequer, and certain payments; but now no-days never repaid. The first particular brought into a tax was the Muster-Master's wages; which being but for small sums was generally digested; yet, in the last parliament, it was designed to be remedied but now there follows, 1 Pressing of men against their wills, or to find others. 2 Provisions for public magazines of powder, spades, and pickaxes. 3. Salary of officers, cart-horses and carts, and such like.—The extrajudicial Declarations of Judges, without hearing of counsel or argument; a teeming grievance of many others.—Monopolies countenanced by the council-table, and the clause in their patents of monopoly, commanding the justices of peace to assist them; whereby the great ability of the council receives a stain by such matters of so mean a report in the estimation of law, so ill in the apprehension of the people.—The high court of Star-Chamber, called, in the parliament rolls, Magnum Concilium, to which the parliaments were wont to refer such matters as they had not time to de-

termune. A court erected against oppression; a court of council, and a court of justice; now an instrument of erecting and defending monopolies to set a face of public good upon things pernicious, as soap, ship-money, &c.—This great and most eminent power of the king, Edicts, Proclamations, called leges temporis, which used heretofore to encounter with sudden and unexpected danger, until the great council of the kingdom could be called, hath of late been exercised for enjoining and maintaining monopolies.—But the last and greatest grievance led him to a step higher, even as high as Heaven, as high as the Throne of God, his Word and truth. The ambitious and corrupt clergy, preaching down the laws of God and liberties of the kingdom, pretending divine authority and absolute power in the king to do what he will with us; and this preaching is the high way to preferment, as one Manwaring, sentenced the last parliament, then a doctor, now a bishop, preferred for his doctrines.—The Intermission of Parliaments, contrary to the statute, to be called once a year, the main cause, therefore, of all mischiefs, to which parliaments give remedy.—That these grievances are as hurtful to the king as to the subject, by intercepting their communion: for they have need of his general pardon, and to be secured from projectors and informers, to be freed from obsolete laws, and from the sound devices of such who seek to strain the prerogative to their own private advantage and to the publick hurt, and the king hath need of their counsel and support. Queen Elizabeth's victorious attempts were, for the greatest part, made upon the subjects purses, and not upon hers, though the honour and profit was hers. That these discontents diminish the king's reputation abroad, and disadvantage his treaties, and weaken his party beyond seas, by encouraging popery; by forcing the subjects to leave the kingdom, to the prejudice of the king's customs and subsidies; divers clothiers forced away, who set up their manufacture abroad, to the hurt of the kingdom. The king hath received upon the monopoly of Wines, 30,000*l.* per ann. the vintner pays 40*s.* a tun, which comes to 90,000*l.* the price upon the subject, by retail, increased 2*d.* a quart which comes to 8*l.* a tun; so, 45,000 tons brought in yearly, amounts to 360,000*l.* which is 330,000*l.* loss to the kingdom, above the king's receipt.—Now the Remedies consist of two main branches; in declaring the law where it is doubtful, and in provision for the execution of the law where it was clear; but these he referred to a further time; and, for the present, he advised speedily to desire a conference with the lords, and always to humble themselves to God for his assistance.'

Sir *Benj. Rudyard*, member for Wilton, made the following speech the same day:—'Mr. Speaker; We are here assembled to do God's business and the king's in which our own is included, as we are christians, as we are subjects. Let us fear God, then shall we honour the king the more; for I am afraid we have been the less prosperous in parliament, because we have preferred other matters before him. Let religion be our primum quæsite, for all things else are but etceteras to it; yet we may have them too, sooner and surer, if we give God his precedence.—We well know what disturbance hath been brought upon the church, for vain petty trifles. How the w— church, the whole kingdom hath been troubled where to place a metaphor, an altar. We have seen ministers, their wives, children, and families undone, against law, against conscience, against all bowels of compassion, about not dancing upon Sunday. What do these sort of men think will become of themselves, when the master of the house shall come, and find them thus beating their fellow-servants? These inventions are but snares made of purpose to winnow the best men; and this is the devil's occupation. They have a mind to worry preaching, for I never yet heard of any but diligent preachers that were vexed with these and the like devices. They despise popery, and, as one said, 'They would fain have it something more like the mass, that will not bite.' A muzzled religion' They would emasculate and disperse the power and vigour of religion, by drowning it out into some solemn specious formalities, into obsolete, antiquated ceremonies, new furbished up. And if, belike, is the good work in hand, which Dr. Heylin hath so often celebrated in his bold pamphlets. All their acts and actions are full of mixtures, insolutions, and complications, as nothing is clear, nothing sincere in any of their proceedings: let them not say, that these are the perverse suspicions and malicious interpretations of some few factious spirits amongst us, when a romanist hath bragged, and been congratulated in print, That the face of our church begins to alter, and the language of our religion to change. And Sancta Clara hath published, That it a synod were held, him intermixtis puritanis, setting puritans aside, our Articles and their Religion would soon be agreed. They have so brought it to pass, that, under the name of puritans, all our religion is branded, and, under a few hard words against Jesuits, all popery is countenanced.—Whosoever squares his actions by any rule, either divine or human, he is a Puritan. Whoever would be governed by the king's laws, he is a Puritan. He that will not do whatsoever other men would have him do, he is a Puritan. Their great work, their masterpiece now is, to make all those of the religion to be the suspected party of the kingdom.—Let us further reflect upon the ill effect these courses have wrought, what by a defection from us on the one side, a separation on the other; some imagining whither we are tending, made haste to turn, or declare themselves Papists beforehand, thereby hoping to render themselves the more gracious, the more acceptable. A great multitude of the king's subjects, seeming to hold

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communion with us, but seeing how far we were gone, and fearing how much further we would go, were forced to fly the land; some into other inhabited countries, very many into savage wildernesses, because this land would not bear them! Do not they that cause these things cast a reproach upon the government?—Mr Speaker; I tell he our principal care, that these were neither continue nor return upon us. If we secure our religion, we shall cut off and defeat many plots that are now on foot by them and others. Believe it sir, [illegible] both [illegible] and [illegible], and [illegible], the [illegible] upon the [illegible] known and [illegible] of princes, that they [illegible] would [illegible] another religion into the church, must first trouble and disorder the government of the state; that so the unity which their [illegible] [illegible] [illegible] at the [illegible]—I come next to the king' business more particularly; which indeed is the kingdom's; for one hath no existence, no being without the other, their relation is so near, yet some have strongly and subtilly laboured a divorce, which hath been the very bane both king and kingdom. When the foundation shaken, it is high time to look to the building. He hath no heart, no head, no soul, that is not moved in his whole man, to look upon the distresses, the miseries of the commonwealth; that is not forward to all that he is, hath, to redress them in a right way.

The king likewise is reduced to great straits, wherein it were unfaithfulness, any inhumanity, to take advantage for him, to do him best service when he hath most need. Not to seek own good, but in him, and with him; else we shall commit the same crimes ourselves, which we must condemn in others. He may well clearly and freely put himself into the hands of this parliament; and, I presume, [illegible] but [illegible] [illegible] this house but feels himself inclined in this high trust but to be prompter better in our hands than to hath done in others, who have failed to [illegible] handling of his affairs, we shall [illegible] [illegible] [illegible]

dust-pipes; the Exchequer itself, at the fullest is but a cistern, and now a broken one; frequent parliaments only are the fountain-soil I do not doubt but in this parliament, as we shall be free in our advices, so shall we be the more free of our purses, that his majesty may experimentally find the real difference of better counsels, the true solid grounds of raising and establishing his greatness, never to be brought again (by God's blessing) to such dangerous, such such desperate perplexities. Mr Speaker, I confess I have now gone in a way much against my nature, and somewhat against my custom heretofore used in this place; but the deplorable, dismal condition both of church and state have so far wrought upon my judgment, as it hath convinced my disposition yet I am not vir sanguinum, I love no man's ruin; I thank God, I neither hate any man's person, nor envy any man's good fortune; only I am zealous for a thorough reformation in a time that exacts it, that extorts it, which I humbly beseech this house may be done with as much lenity, and as much moderation, as the public safety of the king and kingdom can possibly admit.'

Sir *John Holland*, member for Castle-rising, Norfolk, spoke to the following effect: 'Mr. Speaker; The time of actions are not for rhetorick and elocution, which emboldens me to rise: and though I must acknowledge myself to be one of the youngest scholars and meanest proficients in this great school of wisdom, yet I conceive it a great part of my duty, at this time, both to deliver my suit and conscience.—We are called hither, by the royal power: we sit here by the king's majesty's grace and favour; and since his maj. hath been graciously pleased to leave the government of all in our hands, I doubt not but we shall lay such a foundation in the beginning of this parliament, that we shall make it a happy age, and a long and lasting one. Since the dangers of these times, the present distempers of this state, and therein both his majesty's and our necessities, yea and the whole kingdom's safety, do require it.—We are now called, Mr. Speaker, as I conceive from the reports you have made of his majesty's gracious Declaration, for 4 principal causes. 1. For Supply of his majesty's Wants. 2. For the relief of our brethren in the Northern parts. 3. For the Removal of the Scots Forces. 4. For Redress of our own Grievances. That his majesty's wants are great and many I think there is no man doubts it, and it is as certain our grievances are so too; they are great and many both in church and commonwealth. I shall but touch them in either, since they have been so fully remonstrated in both. 1. In the Church; by the usurping power of some prelates and their adherents; by which means many great dangers, innovations of doctrines, of discipline, and of government have been thrust upon us. 2. In the Church, by public sufferances of Priests and Jesuits to come into the land, by which means the number of Romish Catholics are dangerously multiplied, idolatry increased, and God's heavy judgments highly provoked. 3. In the commonwealth, by the late mandatums of the prerogative royal, which have broken and almost overturned all our liberties, even those which have been best and strongest confirmed the Grand Charta itself, that which hath been so oft, so solemnly confirmed in the succession of so many princes, ratified in his majesty's name, minded by the wisdom of form er ages, purposely to keep the beam even and between sovereignty; even this, the dearest and chiefest part of our inheritance, hath been infringed, broken, and set at nought in the commonwealth, by the over-potency of some great ones, secret counsellors of state; by whose advice, it is thought, the greatest part of these present distempers, under which the body of this commonwealth at this time labours, do derive their originals. 4. In the Commonwealth; by the mischievous practices and policies of some subtle projectors, who, under the title of the king's profit and the public good, have intruded themselves to great and vast estates, and that to the damage of the whole kingdom. They are, Mr. Speaker, the very moths and cankers that have fretten and eaten out all the trade and commerce, the very beauty, strength and health of this famous island. In the Commonwealth, by the entertainment of Forreigners and Strangers, and that at his majesty's excessive charge; by which means his coffers are empty, his revenues shortened, and the whole kingdom many other ways oppressed.—But I shall not trouble myself any farther in so vast, so large a field, I shall now represent my own weak apprehensions, for our progression to all the particulars for which we have been called, and is all humbly submit them unto you. 1. Of Supply in his majesty's Wants; I do humbly desire we may proceed therewith in its due time, and that with as much loyal duty and liberality as ever any people expressed towards their prince. I think I may say the present affairs of the kingdom do require it. 2. For the Relief of our brethren in the Northern parts; with a sense of charity and fellow-feeling of their miseries, afflictions, and losses. 3. In removing of the Scots army with a soft and gentle mediation, pacification, and reconciliation, if possibly it may be wrought with his majesty's honour, and the kingdom's safety; if not, then to repel and repulse them with stout and resolute spirits, with valiant and united hearts and heads, such as will best suit with our duty to God, our king, our country; such as shall best become his honour, and the antient renown of this English nation. 4. In redress of our Grievances in those of the church, which ought to have priority in our consultation, as well in respect of necessity as dignity. In these, I do humbly desire, and doubt not but we shall proceed with all true piety, and well grounded zeal guiding us towards God's house, and his truth. In those of the commonwealth, with a religious care of our country's freedom,

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in the faithful performance of the trust reposed in us by them that sent us; in the preservation of our rights, our liberties, our privileges, and our properties. Yet in all, Mr. Speaker, I do humbly desire we may proceed as best suiting the matter and condition of these distempered times, or as best becoming the honour, dignity, and wisdom of this so great a court, so great a council, with all temper, modesty, and all due moderation.'

Mr. *Bagshaw*, member for Southwark, closed this debate with the following speech:—'I had rather act than speak in those weighty businesses of the kingdom, which have been so excellently handled by the three worthy gentlemen that spoke last, and therefore I shall be short. For when I look upon the body of this goodly and flourishing kingdom in matters of Religion, and of our Laws (for, like Hypocrates's twins, they live and die together); I say when I behold these in that state and plight, as they have been represented to us, *Here magis libet quam dicere*: but this is our comfort, Mr. Speaker, that we are all met together for the welfare and happiness of prince and people; and who knows whether it is may not be the appointed time, wherein God will restore our religion as at the first, and our laws as at the beginning. The honour of a king consisteth in the wealth of his people: this undoubted maxim his may hath made good by his late gracious speech and promise to us to redress all our grievances, to destroy the enemies of our peace and plenty. To make a people rich, they must have ease and justice ease in their consciences from the bane of superstition, from the intolerable burthen of innovation in religion, and from the racks and tortures of strange and new fangled oaths they must be eased in their persons, being liberi hominis and not villani, from all illegal arrests and imprisonment against Magna Charta, being our greatest liberties. They must be eased in their lands, from Forests, where never any deer fed; from Depopulations, where never any farm was decayed, and from Inclosures, where never any hedges were set. And must, lastly, be eased in their Goods from the exactions and extortion of purveyants and appurtors, of projectors and monopolists, 'Humanarum calamitatum inventore' as an antient writer calls them. But if the people have all these easements, yet, if they have not justice, they cannot subsist: justice is to the civil body as food to the natural: if the streams of justice be, by unrighteousness, turned into gall and wormwood, or by cruelty, like the Egyptian waters, be turned into blood, those who drink of these brooks must needs die and perish.—The law saith, That all justice is in the king, who is styled in our books, *Fons Justitiæ*, and he commits it to his judges for the execution; wherein he trusts them with one of the chiefest flowers which belong to his crown, the administration of his justice, and the exposition of his laws; but he will not trust them without an oath required of them, by the statute of 18 Edw 3. which is so strict and severe, that it made a judge, whom I know, though honest and strict, yet to quake and tremble at the very mention of it. The effect of the oath is, That they should do equal law and execution of right to all the king's subjects, poor as well as rich, without regard of any person: that they should not deny to do common right to any man by the king's letters, nor for any other cause and in case such letters do come, that they proceed to do the law notwithstanding such letters, or for any other causes, as they will answer to the king in bodies, goods, and lands. How this oath hath been performed, we have seen and felt, I need say no more. But when I cast mine eyes upon the inferior courts of justice, wher in no such oath is required, I mean the high commission, and other ecclesiastical courts, my soul hath bled for the wrong pressures, which I have observed to have been done and committed in those courts against the king's good people, especially for the most monstrous abuse of the oath ex officio; which, as it is now used, I can call no other than carnificina conscientiæ. I have some reason to know this, that have been an attendant to the court these 5 years for myself and a dear friend of mine, some time knight for our shire, for a mere trivial business; that the most that could be proved against him, was the putting on his hat in the time of sermon. Of which court I shall say more, and make good what I say, when those vikers come to be opened.—Mr Speaker, I say these three worthies, that spake before me, have told you of our miseries: but I cannot tell who of the remedies: for things are come to that height, that I may say, as Livy said of the Roman state in his time, 'Nec vitia nostra sciæ possumus nec remedia,' for no laws will now do us good. Better laws could not have been made than the statute of Monopolies against Projectors, and the Petition of Right against the infringers of liberties; and yet, as if the law had been the author of them, there hath been, within these ten years, more monopolies and infringement of liberties, than in the reign of many ages since the Conquest, and it is all those vile harlots as queen Elizabeth called them, that have been the authors of those evils, and the troublers of our land do go unpunished, it will never be better with us, for now, during parliament, like frozen snakes, their poison dries up, but at the parliam nt dissolve, and then their poison melts and scatters abroad, and doth more hurt than ever. What then must be done? Why, what the plaister cannot do, must be done by the knife,

'Ense recidendum est, ne pars sincera trahatur'

I cannot better English it, than in the words of a king, 'Let them be cut off in their wickedness that have framed mischief as a law.' My conclusion is this, let the wrtul violation of the statute of Monopolies and the Petition of Right be made felony, or premunire at the

least, but yet, in the interim, let them be made examples of punishment, who have been the authors of all these miseries, according to the counsel of Solomon, 'Take away the wicked from before the king, and his throne shall be established in righteousness.'

A Fast appointed, &c.] Nov. 9. A day for a solemn Fast, with the consent of the king, was appointed. The next House's Day, after the fast, ordered for all the members to receive the sacrament. A select committee to see this punctually obeyed, and to take care that no Papist sit among st them to inquire what number of Papists are in London, and ten miles round it, and how armed, &c.—The same day the lord keeper stumbled to the lords, 'That his maj. taking notice at this time, of an extraordinary confluence of Popish recusants to the cities of London and Westminster and the places adjacent, hath been graciously pleased, for preventing all inconveniences that may thence arise, to resolve of setting forth a Proclamation for their departure, and disarming with all speed. Also that because his maj. had been informed some jealousies had grown on his making a Constable of the Tower, and putting in a garrison there; which he did in favour of the city, to prevent the insolencies of base and loose people, his maj. had resolved that it should be left as before, without any constable or garrison.

Resolution against Monopolists.] This day, it was Resolved, upon the question, "That all Projectors and Monopolists whatsoever, or that have any share, or late ly have had any share, in any monopolies, or that do receive, or lately have received, any benefit from any Monopoly or Project, or that have procured any warrant or command for the restraint or molesting of any that have refused to conform themselves to any such Proclamations or Projects; are disabled, by order of this house, to sit here in this house: and, it any man here knows any Monopolist, that he shall nominate him." That any member of this house, that is a monopolist or projector, shall repair to Mr Speaker, that a new warrant may issue forth; or otherwise, that he shall be dealt with as with a stranger, that hath no power to sit here." Resolved, upon the question, "That the word 'unlawful' should be joined to the word Monopolists."

This day the house resumed the affair of Grievances upon this occasion.

The lord *Digby*, eldest son of the earl of Bristol, and member for the county of Dorset, spoke as follows:—"Mr Speaker, You have received now a solemn account from most of the shires of England, of the several Grievances and oppressions they sustain, and nothing as yet from Dorsetshire. Sir, I would not have you think that I serve for a land of Goshen; that we live there in sun-shine, whilst darkness and plagues overspread the rest of the land. As little would I have you think, that being under the same sharp measure as the rest, we are either insensible or benumbed, or that that shire wanteth a servant to present its sufferings boldly.—It is true, the county of Dorset hath not digested its complaints into that formal way of petition, which others have done; but have entrusted them to their partners and my delivery of them, by word of mouth, to this honourable house. And this was given unto us, in the county-court, the day of our election, a short memorial in the hands of them, which was read in the hearing of the free-holders there present, who all unanimously, with one voice, signified upon the poll in particular, that it was their desire, that we should represent them to the parliament which, with your leave, I shall do, and these they are: 1. The great and intolerable burden of Ship-Money, touching the leg day which are unsatisfied. 2. The many injuries in pressing of Soldiers, and raising monies concerning the same. 3. The multitude of Monopolies. 4. The new Canon, and the Oath to be taken by lawyers, divines, &c. The oath required to be taken by churchwardens, to present according to articles new and unusual.—Besides this, there was likewise presented to us, by a very considerable part of the clergy of that county, a note of remembrance containing these two particulars: The Imposition of the new oath required to be taken by all ministers and others; which they conceive to be illegal, and such as they cannot take with a good conscience. 2. The requiring of a pretended Benevolence, but, in effect, a Subsidy, under the penalty of suspension, excommunication and deprivation, all remedy of appeal excluded.—Thus is all we had particularly in charge; but, that I may not appear a remiss servant of my country and of the house, give me leave to add somewhat of my own sense. Truly, Mr. Speaker, the many sufferings of some worthy members of this house, since the dissolution of the two last parliaments, are so fresh in my memory, that I was resolved not to open my mouth in any business, wherein freedom and plainness were requisite, until such time as the rights of our privileges were vindicated, and the safety of speech settled. But since such excellent members of our house thought fit, the other day, to lay aside that caution, and discharge their souls so freely in the way zeal to his majesty's service and their country's good, I shall interpret that confidence of it for a lucky omen to this parliament, and, by your permission, licence my thought one little '—Under those heads which I proposed to you, as the Grievances of Dorset, I suppose are comprised the greatest part of the mischiefs which have, of late years, laid either to our estates or consciences. But I do not conceive this the fit season to search and ventilate particulars, yet I profess I cannot forbear to add somewhat to what was [illegible] last day, by a learned gentleman of the long robe, concerning the acts of that reverend synod, made of an old convocation. Doth every parliament-man's heart rise to see the

prelates thus usurp to themselves the grand pre-eminence of parliament? The granting of subsidies, and that under so preposterous a name as of a Benevolence, for that which is a Malevolence indeed a Malevolence, I am confident, in those that granted it, against parliaments, and a Malevolence surely in those that refused it, against those that granted it, for law can it incite less, when they see resisted from them what they are not willing to part with under no less a penalty than the loss both of Heaven and earth, of Heaven, by excommunication, and of the earth, by deprivation; and this without reckoning on by-ends? What good christian can think with patience on such an enforcing Oath, as that which is, by the new Canons, injoined to be taken by all ministers, natives, persons and graduates in the universities where, besides the swearing such to impertinence, as that is necessary to salvation are contained in nine, besides the swearing those to be of divine right, which amongst the learned never pretended to it, as the whole system of hierarchy, besides the swearing it to be conformable to the change of that, which the state, upon great reason, think fit to alter, besides the bottomless perplexity and execration all this, Mr Speaker, men must swear that they swear freely and voluntarily what they are compelled unto; and, lastly that they swear that oath?" the literal sense, which I found the makers themselves, as I remember, could ever agree in the right understanding:—In a word, Mr Speaker, to tell you my opinion of this oath, it is a rank oath against the king for bishops and his church, as the Scots Covenant is against them, only so much worse than the Scots, as they admit not of the supremacy in ecclesiastical affairs, but we are sworn unto it.—Now for those particular Heads of Grievances, which the counties and properties are so radically wounded, I suppose, as I said I plore, that it is not seasonable for me to enter into a strict discussion of them. Only this much I shall say of them, with application to the county for which I serve, that none can more justly complain, since none can more justly challenge pre-eminence from such burdens than Dorset-shire, which for your convenience as a county subsisting much by trade, or as one of the most populous, or as exposed as much as any to foreign invasion.—But, alas! Mr. Speaker, particular lamentations are lost by distinguishable in universal groan. Mr Speaker, it hath been a metaphor frequent in this parliament, and, if my memory fail me not, made use of in the lord keeper's speech at the opening of the last, 'That what money hath been raised from their subjects, it was but as vapours drawn up from the earth by the sun, which are distilled upon it again in fructifying showers.' The comparison, Mr Speaker, hath been of late years, in this kingdom, too unhappily what hath been raised from the subject by violent attractions, hath been [illegible] it is true, into abundance, but involved in the sun's own lustre, and hath fallen again upon the land only in hailstones and mildews, to batter and prostrate still more and more our liberties, to blast and wither our affections, had not the latter of these been still kept alive by our king's own personal virtues, which will ever preserve him, in spight of all ill counsellors, a sacred object both of [illegible] admiration and love.—Mr. Speaker, it hath been often said in this house, and, I think, can never be too often repeated, 'That the King's [illegible] can do no wrong' but the [illegible] Mr. Speaker, yet princes have [illegible] those actions which their [illegible] make them to be just, their counsellors that they are prudent; and their [illegible] their consciences. This consideration [illegible] that which is more [illegible] it is [illegible], that may farther [illegible] our misery, that is the way to the Remedy, by seeking to remove from our sovereign such unjust judges, such pernicious counsellors, such commercial curses, as have [illegible] their evil practices, prudential [illegible] government of his [illegible] of state.—Mr Speaker, I cannot be misunderstood, I fear not to name a [illegible] design, but the faults, and their [illegible] evil counsellors in particular, as [illegible] have [illegible] with a gracious and right-hearted prince to expose his servants upon irregular motives, than with a wise prince to support [illegible] how great soever, upon [illegible] and just. Let me [illegible] with [illegible] Person in Hypocrisie, to less [illegible] Crime, in the [illegible] than in the [illegible] Mr. Speaker,' Bribes, [illegible] and generally [illegible] must have [illegible] hands, first made blind and more guilty. The [illegible] that I could stand to have removed [illegible] persons and offices of this nature, [illegible] all ministers employed [illegible] away [illegible] first [illegible], unsettled, [illegible] which [illegible] may be effected [illegible] master, but [illegible] truly represenging [illegible] by his protection. And this [illegible] to his motion, which is, That [illegible] may be [illegible], to draw, [illegible] that [illegible] represented, such [illegible] as have [illegible] faithful and loyal [illegible] with his majesty of the dependancies of this his kingdom; and such [illegible] may [illegible] out into [illegible] clear and excellent [illegible], the principal authors of all [illegible] this Remonstrance being drawn, we may, with all speed, repair to the lords, and desire them to join with us in it. And this is my humble motion.'

Sir *John Colepeper*, one of the knights of the shire for Kent, spoke as follows: Mr. Speaker, I stand not up with a petition in my hand. I have it in my mouth,* and have it in charge

* In the Journals of the Commons for this day, is this entry. 'Sir John Colepeper represented the Grievances of Kent by word of mouth.'

from them that sent me hither, humbly to present to the consideration of this House the Grievances of the county of Kent. I shall only sum them up, and they are these: 1. The great increase of Papists, by the remiss execution of those laws which were made to suppress them. 2. The ill execution of the laws against recusants, for which this is wanting, and is a great grievance. 3. The obtruding and countenancing of divers new ceremonies in matters of religion, as, placing the Communion-Table altar-wise, and bowing or crouching to it, and the reading of the holy sacrament to such as refuse to come up to the rails, these carry with them some scandal and much offence.—4. Military Charges, and therein, 1st, that of Coat and Conduct-Money, required as a loan, or prest as a due, in each respect equally a grievance. 2dly, The enhancing the price of Powder, whereby the Trained Bands are much discouraged in their exercising. However little this may seem prima facie, yet, upon due examination, it will appear a great grievance. The 3rd is more particular to our county, it is this. The last summer was twelvemonth, 1600 of our best arms were taken from the owners, and sent into Scotland. The compulsory way was this, 'If you will not send your arms, you shall go yourselves.' Mr. Speaker, the Trained Band is a militia of great strength and honour, without charges to the king, and deserves all due encouragement. 4. The Canons I assign these to be a grievance, 1st, in respect of the matter, besides the execrable oath. 2dly, in respect of the makers; they were chosen to serve in a convocation, that biding with the parliament, the scene was altered; the same men, without any new election, shuffled into a sacred synod. 3dly, in respect of the consequence; which, in this age, when the second ill precedent becomes a law, is full of danger. The clergy, without contravention of a parliament, have assumed unto themselves power to make laws, to grant to levy by the name of Benevolence, and to intermeddle with our freehold by suspensions and deprivation. This is a grievance of a high nature.—5. Ship-Money, this cries aloud. I may say, I hope without offence, this strikes the first-born of every family, I mean our inheritance. If the laws give the king power, in any danger of the kingdom, whereof he is judge, to impose what and when he pleases, we owe all that is left to the goodness of the king not to the law. Mr. Speaker, this makes the farmers faint, and the plough to go heavy.—6. The great Decay of Cloathing and Fall of our Wools: these are the golden mines of England, which give a foundation to that trade which we drive with all the world. I know there are many stars concur in this constellation; I will not trouble you with more than one cause of it, which I dare affirm to be the greatest; it is the great customs and impositions laid upon our cloths and raw draperies. I speak not this with a wish to lessen the king's revenues, for it is done by parliament; I shall give my humble charge upon the superfluous regard being had to trade, which we have from all other nations. I am sure I am that the impositions upon our native commodities are dangerous, and give liberty to our neighbours to undersell: and I have it for a rule, that when the customs rise, the trade falls. Now much as the king receiveth, what is it upon our cloths is taken from the rent of land?—I have but one Grievance more to offer unto you, but this one comprises them all: it is a nest of wasps, or swarm of vermin, which have over-crept the land, I mean the monopolists and polers of the people. These little kings in Large have got possession of our dwellings, and we have scarce a room free from them. They slip in our cups, they dip in our dish, they sit by our fire, we find them in our dressing-cloth, wash-ball, and powdering-tub, they lurk with the butler in his box, they have locked and sealed us from head to foot. Mr. Speaker, they will not bate us a penny in our own cloaths without their brevet. These are the leeches that have sucked the commonwealth so hard, that it is almost ready to burst. And, some of them are (I hang it on their right names) that have stood in hole the brand made by that good law in the first parliament of king James; they shelter themselves under the name of a corporation, like the Six-Clerks, which serve their turns to squeeze us, and fill their purses: of these, and they will prove as bad cards as any in the pack. These are not petty chapmen, but wholesale men. Mr. Speaker, I have echoed to you the cries of the kingdom; I will tell you their hopes; they look to Heaven for a blessing upon this parliament; they hang upon his majesty's exemplary piety and great justice, which render his ears open to the just complaints of his subjects; and we have had lately a gracious assurance of it. It is the wise conduct of this parliament, whereby the other great affairs of the kingdom, and these our Grievances of no less import, may go hand-in-hand, in preparation and resolution then, by the blessing of God, we shall return home with an olive branch in our mouths, a full confirmation of the privileges which we received from our ancestors, and our posterity, which every free-born Englishman hath received with the air he breathes in. These are our hopes, these are our prayers.'

Mr. *Grimston*, member for Colchester, spoke next. 'Mr. Speaker, These petitions, which have been now read, are all of them remonstrances of the general and universal grievances and distempers that are now in the state and government of the church and commonwealth: and they are not these alone, but his majesty's gracious expressions the first day of parliament, that call me up to speak at present, contrary to my own intentions. Mr. Speaker, his majesty, who is the head of this politic, and the father of the com-

[illegible] complained first, declaring [illegible] of our sufferings; and, [illegible] hath put [illegible] in mind of our grievances, hath freely left it to ourselves, for [illegible] and [illegible] therein, to begin and [illegible] we shall think fit. And this draws me [illegible] much cheerfulness and zeal, to consume your endeavours to so great a [illegible]. And, Mr. Speaker, I conceive it will [illegible] altogether impertinent, for our direction and guidance in that great place, which, [illegible] favour of his maj. and this house, you [illegible], a little to recollect [illegible] remembrance of what was done the last [illegible], and where we ended. It will be very considerable what hath been done since that parliament, and in [illegible] they are [illegible] have been the authors and causers of all [illegible] and distractions, both before and [illegible]. In the last parliament, it, as soon as the [illegible] was settled, a subsidy, Aid and Supply was propounded, and many arguments used to give it precedency before all other matters and [illegible] actions what [illegible]. On the other side, a multitude of Complaints and Grievances of [illegible], as well concerning our eternal as our temporal estates, were presented, and put in the other balance the wisdom of that great council, weighing both indifferently, and holding not only of the dangers then threatened [illegible] Scotland, which are now upon us; but taking into their consideration the [illegible] and constitution of the present government here at home, concluded that there were in no capacity to give, unless their Grievances were first redressed and removed. For Mr. Speaker, it then was, and still is, most [illegible] and apparent, that, by some [illegible] latch obtained in courts of justice, and [illegible] some new arts of government lately started up among us, the [illegible] property is much [illegible] [illegible] [illegible] is matter of [illegible]; but [illegible] that we have so held as tenants, by courtesy and at will, and may be [illegible] at pleasure. Yet, Mr. Speaker, desirous to [illegible] all [illegible] [illegible] that an [illegible], I [illegible] in the house of Supply [illegible], as [illegible] [illegible] and [illegible] [illegible] we confine and limited our [illegible] [illegible] [illegible] spiritual souls, and to such [illegible] as, properly and immediately, belong to [illegible] reference [illegible] [illegible] [illegible] lords: 3. The Privileges of Parliament: 4. [illegible] [illegible]. 5. The [illegible] of our Courts and [illegible]. And we began with the last, as the ark in which the other two, Religion and Property, are included and preserved.—Mr. Speaker, the violent [illegible] of the last [illegible], touching our Privileges, were of [illegible]; either such as had been done in [illegible], or out of parliament. Concerning [illegible] of the first sort, it was resolved, [illegible] vote, That the Speaker's refusing to put a question, being thereunto required by the house, or to adjourn the house upon any command whatsoever, without the consent and approbation of the house itself, were breaches [illegible] violations that [illegible] impeached our privileges. And, having [illegible] that vote, I conceive it we should now proceed [illegible] further, and consider of a way how to be [illegible] against them that have been the [illegible] execution does subsume legem. The putting of an old law in execution does often-times do more good than the making of a new one. As concerning violation of another sort, done in our parliament, in courts of justice, and at [illegible] council board, where neither our persons nor our proceedings ought to have been controlled or meddled with [illegible]; and as concerning matters of Religion, and the Property of our Goods and Estates, there were divers things then likewise agreed on by vote, whereupon a conference was desired to have been held with the lords: but what interjections and rubs we met with by the way, and how the lords contraverted the precedency of our Grievances, and how our Speaker was taken away from amongst us, and what an unhappy conclusion we had of the last, the remembrance of it were [illegible] sad to begin another parliament with all. Therefore, I shall pass from what we did in the last parliament, and come to what hath been done since that parliament ended.—Mr. Speaker, there are some worthy gentlemen now at this house that were members of the last parliament, that carried themselves in the matters and businesses then and there agitated and debated, with great wisdom, and unexampled moderation. But what had they at least for all their pains, in attending the public service of the commonwealth? Why, as soon as ever the parliament was ended, their estates and purses were searched, as if they had been felons and traitors, and they committed to several goals; with an intention, I am confident, of their utter ruin and destruction, had they not forsaken and disowned the information was drawn, or at least directions given for the drawing of it, against them in the Star-chamber. Mr. Speaker, there hath been, since the last parliament, a synod, and in that synod a new canon hath been framed, and enjoined to be taken: I conceive might as well have made such a law, and enjoined the execution of that, as enjoined and urged the taking of the other, not being established by act of parliament; for, in point of conscience, the safety of the commonwealth, and the freedom and liberties of the subject are more concerned in the doing of the one, than it they had done the other.—The next [illegible] point I shall take to it, is to the matter contained in the Oath itself. Mr. Speaker, they would have us, at the very first oath, swear to [illegible] heresy, that matters necessary to salvation are contained in the doctrine of our church: whereas, it hath ever been the tenet of our church, That all things necessary to salvation are comprehended and contained in the doctrine of our church only, and that both always have been used as an argument, until this very present, against anti-disciplinarians, to

for their Grievances; and that, out of them, [illegible] may be contrived and framed for the preventing of the like mischief for the future.'

Nov. 10. Sir *Edward Dering*, member for Kent, spake thus: 'Mr. Speaker, Yesterday the affairs of this house did burden all [illegible] and commit for [illegible] I conceive that being built a day [illegible] Speaker, God put into the heart of his [illegible] the king's heart is in the hand [illegible] once more to assemble [illegible] upon the unhappy [illegible] the heart [illegible] church and kingdom. God [illegible] his goodness, [illegible] compassionate [illegible] Christ. [illegible] the [illegible] Christ [illegible] the [illegible] God [illegible] Christ [illegible] Christ [illegible] Christ

not easily broken; and I hope King Charles' three-fold kingdoms shall never be divided, as to break in pieces. God knows the divisions of Great Britain have built our present union, and I fear God is angry that our present union is taken away upon the eve of this most happy day. not kindled that flame in our hearts, which is seeming good actions have shown abroad, much like the walking of a glow-worm by night, which affrights others, but pleases the beholder. "Quis primus quisque virtutis auctor?" It is the heart, or will which gives the beginning to every glorious act, and hope that we must not tender it as well to the setting religion in its splendor and purity, as to bring Dagon from the altar and hypocrites, the buyers and sellers out of the Temple. Years present bonnets, as well as honour in the first part of goodness is to have the will to begin it. God knows their hearts and true intention of our present comings, and therefore they come hither, not to propound and advise his glory and gospel thereof shall this parliament and nation be, and the most happy one which God in the Lord all times have contrived for our good: for, Mr. Speaker, as he turneth the hearts of kings like the rivers of waters, will make the king and his people of one mind. Long live king Charles in the heart of his numerous royal issue, in the profession of faith, which shall prevail against the gates of hell. His safety in Luther's doctrine, which gave more light and true unto the people than many now-a-days, and I hope no subjects came with better hearts and intentions to their king and country. Let us then oppose, by our unanimous advice, that our inward abomination both of heart and hand, is but, by it, and to our own false nor unfaithful, for Nature never did not, solo, quo non tantum aliud quod prius, man relieves, I am not confident that we, unless, according to his holy will, be disposed to perform his resolution, which to put the hearts of us all in this assembly, and I am confident fully bred [illegible] information of all disorders of [illegible] church or religion, and from the all [illegible] and close rejoining in the [illegible] Great Britain! but, by the help of, Mr. Speaker, that, God be thanked, we have many [illegible] and may be yet well cured by the skilful surgeons: this honourable house, by their loving and christian care, and to rest to under and upright hands I leave it, only with this advise, let brotherly love continue and to constant and so good a correspondency be kept as it is set, that neither enemies nor seducers, nor delivered us from Rimes Nuncupher Pandæus blast, will, no doubt, still preserve us united, our gracious king, and our loyal subjects, from [illegible] are resolved, [illegible] Deo nullus in quo [illegible] tuus."

The Collection of Speeches before cited, gives us the following speech of lord Digby, without date, but it appears to have been spoken about the beginning of this session.

Lord *Digby* rose and said:—"Mr. [illegible] This happy meeting is to behold in [illegible] the unhappy state of the commonwealth [illegible] we have, I beseech you, your leave to [illegible] a word, in short view of our [illegible] sheweth me they [illegible] Our laws, our [illegible] rights, our lives, our [illegible] estates, our liberties, our [illegible] our religion, all which have been, by [illegible] forms of seeming rights, secured, and [illegible] nish our eyes, are scarcely now be [illegible] ness. Our laws, the only [illegible] ments of our estates, which [illegible] should [illegible] reverence, are now made to disturb [illegible] bates, and instead of [illegible] [illegible] where they should teach, rule, [illegible] us, the very spirit and essence of [illegible] which should direct us in our lives, and [illegible] is high time to turn our eyes [illegible] them, and see whether they take them to [illegible] directs us to [illegible] [illegible] [illegible]

and their loyalty, invaded our kingdom
arms, what other ends have they invented,
have invaded our laws and liberties, th
ies whereby we should rest
yourselves and our estates. The
may resort and thence forth be
will be called pieces to the king and countr
force be had against the other, it will be
tled Rebellion.—What now remains but that
h of his the law, which, because it
instituted and directed unto
to us men in and religion pertain
new right us and itself not our
Surely the law is not so weak and impotent,
take care for others, and never provide in
own defence against those that
ple that have deserved
the law will, it will not, but hath
reward of such unkindness men, is
ded and abused the king's goodness, that
been the punishment of such
d the malignancy
sure, and his
enemies; w
mountains of monopolies, heaps of
oceans of grievances, with
such as
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test, and
dispised religion
hear and with
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ctive,
their too much
and made us
and
Speaker, there are
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acts, which
from the
therefore, for his
and
ment,
Interpreters, that
people's
that
which
and
which
to
and
us,
the deep search of
abilities (and I be
not
talk
assembly, my infant advice presumes
to reach so high it is but to let you see
much the slightest parts of the abused
commonwealth, not only made visible of
our
for the numberless number of our just
which should, before this time, have
distracted us, had not our great Physician
at length applied his sovereign remedy, to
keep up our tottering hinges, by which we must
either stand or fall."

We meet with the following speech of sir Francis Seymour,* member for Marlborough, in the month of November, although the day
is
Sir
Mr Speaker;
the
soul of the
which one may hear and see all the griev-
ances of the subject, and in the multitude of
such
select. Amongst whom
and
take
, what he has done
in what indictments have been against the
members of this house for speaking nothing
of
the
of the nation
have been against
what
Now there is such meat, which
is the highest of all courts, should be questioned
by inferior courts and judges, as if the Coun-
cil
should
the King's Bench,
the Chancery, or
by either of
them? Perhaps he has done it by the nature
to plead for them, which, indeed, teacheth
every man to preserve himself. This perhaps
makes them adhere to a proposition, which,
I confess, first confounded me. Such
proceedings, not only trench upon the liberties
of parliament, but also upon the liberties of
the whole commonwealth, wherein I had rather
suffer or speak the truth, than the
truth should suffer for what I do speaking.
What was the ever main piety in a prince,
and more loyalty in subjects, and yet what
commonwealth ever suffered like this? His
Majesty, though
, yet, by reason of
, and his
by reason of bad counsellors, doth not ap-
pear in such sincerity of heart as labour to clear
himself
against the untrue
from
Mr Speaker, in
the face of
, and such as heretofore
durst not appear, now come boldly into
and declared tolera-
tion. I
, who, tho'
have
peace, yet have not le-
, but, so it is the hope has his
Because not how they go
in Somerset-house and St James's with too
? The
names of
that have but the
I wish we had
rather
pull down our
, and I am
sure they build none up again amongst which
are our non-residents, who overaway all by
worldly preferment and many livings.—Christ
made it the touch-stone of Peter's love unto
him, to feed
sheep and lambs, but these
men look at their own private gains, not
taking pains for their own double honours
which have fully gotten. What think is there

* From the original edition printed for W. H anno 1641

more against reason and nature, than for one man to have more wife, and for one shepherd to have more than one flock? If there be but one God of whom they speak in the text, but one head, but one faith, &c. Others there are that preach, yet it is not the gospel but themselves:—That the king and parliament, and the subject, are parts in the body: There is but one head, and more, a monster: Sermons, which indeed some of Puritan-cast may be, but of little reckoning: There be some things, which under a form of godliness, cloak impiety to treason: That a man will be truly, soberly, and godly, and will not, if he had been overseen, break open the study doors to get at books: That he will not speak in the ordinary course of his text to reconcile it to matters of state: That he will not [illegible] fortune [illegible] the king did [illegible] But some [illegible] that [illegible] king and [illegible] and [illegible] treason, and [illegible] that [illegible] shall [illegible] at that his [illegible] the king's [illegible] the king's name, or the common weal [illegible]

Proceedings of the Lords relating to the searching the Lord Kimbolton's Papers.

Nov. 11. A motion was made in the House of Lords, "That whereas two lords of this high and honourable court have had their studies and pockets searched for papers, which, it might be said, were but a small breach of privilege, especially being done after the dissolution of the last parliament, and within the time of privilege of parliament." Upon this the earl of Warwick and the earl were appointed to declare the motion to the king, and, after their lordships had declared the motion of it, it was agreed, That Sir William Becher should appear at the bar of the house of peers the next day, and be produced by the serjeants, and declared himself—The same day Sir William Becher was brought to the bar, and the lord keeper demanded of him, By what warrant or direction he did search and carry away the papers of the aforesaid peers, &c.? Sir William answered, That he was a clerk of his majesty's privy council, and sworn to his majesty's service; and therefore desired their lordships would give him leave to acquaint the king with it before he answered. Being ordered to withdraw, the lords, after much debate, had him called in again, when the lord keeper was directed again to ask him to show his warrant, and blamed him for naming the king in the business, no such thing being asked him; but he still refused to give a direct answer till the king were made acquainted with it.

Upon this he was again ordered to withdraw, and, after mature consideration, he was called in, when the lord keeper told him, That the lords did take him to be the chief actor in the fact, and were resolved to proceed against him as the grievously and exemplarily [illegible] punish him upon him, unless he [illegible] by what warrant he did it. He [illegible] much the same as before; and he [illegible] That he must do his duty to his majesty, let what their lordships pleased to [illegible] him.

The lords were, upon this, at a loss [illegible] do with him, and, sir William [illegible] was commanded to withdraw, the [illegible] Resolution, "That sir William Becher [illegible] ought to intercept the king in [illegible] hath not dealt clearly and truly with the earl of Warwick and lord Brooke [illegible] aforesaid, That they did not [illegible] [illegible] [illegible]

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and wilful calumny, London, 1642

John Williams, bishop of Lincoln, [illegible] weak
manly and keeper

a point of wisdom [illegible] But, with
ture, by this a mere, [illegible]
trines of these [illegible]
and commands. And [illegible]
upon myself to [illegible] Our
have, and must [illegible]
is one supreme Pope [illegible]
order, and the power [illegible]
there is no appeal [illegible]
I cannot altogether [illegible]
yet one of the [illegible]
primate was [illegible]
I can, [illegible]
fair for a parish [illegible]
whose judgment [illegible]
ought to be [illegible]
ought [illegible]
you shall [illegible]
patriarch [illegible]
then we may [illegible]

—[illegible]

Indeed [illegible]
He plea [illegible] opes [illegible]
arch, and [illegible]
his patriarch [illegible]
Pole, his [illegible]
heads, one [illegible]
double a proof [illegible]
high as the [illegible]
and clear, it [illegible]
be a Patriarch [illegible] cumbe
our choice, [illegible] consci
had rather see [illegible] That
to have him [illegible] and
Pope at Rome [illegible]
Patriarch may [illegible]
and, for this [illegible]
wisdom and [illegible]
matters for Religion, [illegible]
ground my motion [illegible]
it is this in brief: [illegible]
select a sub-com[illegible]
power them [illegible]
of oppressed in[illegible]
tyranny for [illegible]
the complaint [illegible]
some are placed [illegible]
are fearful [illegible]
and cannot [illegible]
place, that [illegible]
the printers, [illegible]
been corrupt [illegible]
books have been lost [illegible]
clipped, or [illegible]
will not be [illegible]
into your hands [illegible]
motion.

Sir *John* [illegible]
Spenser, Bishop [illegible]
tree of Religion, [illegible]
evergreen height. [illegible]
how slowly we go [illegible]
God is displeased [illegible]
should have [illegible]
nant, which [illegible]
performed the next Sabbath [illegible]
been accepted, and our outward humiliation [illegible] commonly called Ship-Mo[illegible]

ment in the Exchequer, in Mr. Hampden's Case, in the matter and substance thereof, that he was anywise chargeable thereby, is against the laws of the realm, &c."—A committee was then appointed to go forthwith to the several Judges, to know how they were solicited or threatened, in what manner, and by whom, to give any opinion or judgment concerning Ship-Money; and, lastly, to acquaint the Judges with what had been done this day concerning it.

Two Subsidies granted.] Dec 10. The way for raising 100,000*l* for the Relief of the King's Army and the Northern counties, was debated, when, after many speeches, the house resolved, That two Subsidies should be granted, instead of the sum aforesaid; and, the next day, a bill was ordered in accordingly

Petition of the City of London against Bishops, &c.] Dec 11. A Petition from the city of London, signed by 15,000 citizens, was presented to the commons by alderman Pennington, attended by some hundreds of people, and was as follows:

"That whereas the government of archbishops and lord bishops, deans and archdeacons, &c with their courts and ministrations in them, hath proved prejudicial and very dangerous both to the church and commonwealth; they themselves having formerly held, that they have their jurisdiction or authority of human authority, till of these later times, being further pressed about the unlawfulness thereof, they have claimed their calling immediately from the Lord Jesus Christ; which is against the laws of this kingdom, and derogatory to his majesty and his state royal: and whereas the said government is found, by woful experience, to be a main cause and occasion of many foul evils, pressures, and grievances of a very high nature unto his majesty's subjects, in their conscience, liberties, and estates, as is in a schedule of particulars, hereunto annexed, may in part appear we therefore most humbly pray and beseech this honourable assembly, the premisses considered, that the said government, with all its dependences, roots, and branches, may be abolished, and all laws in their behalf be void, and the government, according to God's word, may be rightly placed among us; and we your humble suppliants, as in duty we are bound, will daily pray for his majesty's long and happy reign over us, and for the prosperous success of this high and honourable court of parliament."

A Particular of the manifold EVILS, PRESSURES and GRIEVANCES, caused, practised, and occasioned by the PRELATES and their DEPENDENTS.

I. "The subjecting and enthralling all ministers under them and their authority, and so by degrees, exempting of them from the temporal power; whence follows, II. The scant-shortedness of ministers to preach the truths of God, lest they should displease the prelates; as, namely, the doctrines of Predestination, of free Grace, of Perseverance, of original Sin remaining after Baptism, of the Sabbath, the doctrine against universal Grace, Election for Faith foreseen, Free-will, against Antichrist, Nonresidents, human Inventions in God's Worship, all which are generally withheld from the people's knowledge, because not relishing to the bishops. III. The encouragement of ministers to despise the temporal magistracy, the nobles and gentry of the land to abuse the subjects, and live contentiously with their neighbours, knowing that they, being the bishops creatures, shall be supported. IV. The restraint of many godly and able men from the ministry, and thin thinning of many congregations their faithful, diligent, and powerful ministers, who lived peaceably with them, and did them good, only because they cannot, in conscience, submit unto and maintain the bishops needless devices: nay, sometimes, for no other cause, but for their zeal in preaching, or their great auditories. V. The suppressing of this godly design, set on foot by certain saints, and augured with many great gifts by sundry well-affected persons, for the buying of Impropriations, and placing of able ministers in them; maintaining of Lectures, and founding of Free-Schools; which the prelates could not endure, lest it should darken their glories, and draw the ministers from their dependence upon them. VI. The great increase of idle, lewd and dissolute, ignorant and erroneous men in the ministry, which swarm, like the locusts of Egypt, over the whole kingdom; and will they but wear a canonical coat, a surplice, a hood, bow at the name of Jesus, and be zealous in superstitious ceremonies, they may live as they list, contrust whom they please, preach and vent what errors they will, and neglect preaching at their pleasure, without controul. VII. The discouragement of many from bringing up their children in learning; the many schisms, errors, and strange opinions which are in the church, great corruptions which are in the universities, the rude and lamentable ignorance, almost every where, among the people, the want of preaching ministers in very many places both of England and Wales; the loathing of the ministry; and the general defection into all manner of prophaneness. VIII. The swarming of lascivious, idle, and unprintable Books and Pamphlets, Play-Books and Ballads; as, namely, 'Ovid's Art of Love;' 'the Parliament of Women,' which came out at the dissolving of the last parliament; Barnes's Poems; Parker's Ballads, all in disgrace of religion, to the increase of all vice, and withdrawing of people from reading, studying, and hearing the word of God, and other good books. IX. The hindering of godly Books to be printed, the blotting out of, or perverting in, those which they allow to be printed, all or most of that which strikes either at Popery or Arminianism; the adding of what or where pleaseth them; and the restraints of reprinting books, formerly licensed, without relicensing. X. The printing and vending of Popish, Arminian,

inflict upon obstinate and great offenders, and the private and their other, who, of right, have nothing to do with it, to dail excommunicate men other for doing that which is lawful, or for idle, and trivial matters as working or opening a shop on a holy day; and not appearing at every beck, upon their summons, not paying their tithes; yea, they have made it a duty to all other things, a basis or instrument wherewith to empty men's purses and to advance their own greatness, and so that sacred ordinance of God, by them perverted, becomes contemptible to all men. Wisedom in vain cried against unjust excommunications, for the most part were brought to XXI. Yea rather, the pride and ambition of the prelates hereby boundless, as willing to be subject to neither men or laws, but themselves above all and would be sure that their censures, civil or ecclesiastical authority in their own dominions and rights, and under their own seals and take upon them temporal dignities, places and offices in the commonwealth, as the chancellorship, the treasurership, the secretaryship, the privy seal, and other offices, by way of commission, reaching even to men's thoughts, to the perpetual ending, and decaying of men's estates, to the impoverishing and undoing of many families, fining and imprisoning of the people, breaking men's houses and doors, defacing many men's books, letters, and other writings seized upon their estates, removing them from their callings, separating between children and their wives, and other parents, the rejecting of prayers with threatenings, and the doing of many other outrages, to the utter infamy of the realm, and the subjects of all nations, and ruining of them and their families, and, at length, the Judges of the land themselves have the power and greatness of the prelates, and other ways promoted, that neither Prohibition, Habeas Corpus, or other like remedy can be had, or take place for the relief of subjects in most cases. Lastly Papists, Jesuites Priests, and such others as popish Papers, or Arminianism, or unlearned, spared, and have much liberty, from hence hath flowed, to most others, the dangerous consequences. 4 The general hope and Expectation of all the Romish party, that their superstitious religion will, ere long, be planted in this kingdom again; and they encouraged to persist therein, and to use the authority of divers places, to the high dishonour of God, and contrary to the laws of the realm. 2. The Discouragement and Destruction of all good duty and [illegible] multitudes, both clothiers, [illegible] and others, being deprived of their ministers, and over-burthened with these pressures, have deserted the kingdom to Holland and other parts; and have drawn with them great part of the manufacture of cloth and trading of the land into other places, where they are made; whereby wool, the great staple of the kingdom, is become of small value and rents and trading is decayed; many poor people want work; women lose employment, and the whole land much impoverished, to the great dishonour of the kingdom, and of all them to the government thereof. 3 The present wars and commotions between his majesty and his subjects of Scotland, wherein his majesty and all his kingdom are indanger'd and suffer greatly, and are like to become more, if the common enemy, to excite the wars go on, which we exceedingly fear will not only go on but also increase to a greater ruin of all, unless the prelates with their dependencies be cast out of England; and also they and their practices, who, as we, under your honours favor, do verily believe and conceive, have occasioned the quarrel. All which we humbly refer to the consideration of this honorable assembly, desiring the Lord of heaven to direct you in the right way to redress all these evils."

The attack made upon episcopal government did not stop here; for the [illegible] endeavored the whole ruin of the [illegible] church, but severely punished, by imprisonment, or otherwise, several particular members of it. The Journals are full of the complaints and delinquents sent for and imprisoned, [illegible] carriage, in the several [illegible] innovation and idolatry as it is there called, such as bowing to the Altar, setting of the table altar-wise, with rails about it; for putting [illegible] J. H. [illegible] the communion table, [illegible] image in the window, and the like.

Dec. 11 The French [illegible] having intended to acquaint his majesty with the great care and affection of this house to maintain [illegible] and to [illegible] purpose [illegible] desire them to [illegible] his revenue and expences.

The commons entered into debate concerning the New [illegible] with the innovation. Sir Roberto Cotton, Sir Richard Rayner, Mr. Nathaniel Fiennes, spoke earnestly against them, but as those speeches are long and [illegible] we omit them, the principal arguments [illegible] fully urged in the former debates on those [illegible] we purpose anon to [illegible]

Resolution against the Canons and the Convocation.] Dec 11. After long debate on the Canons, it was resolved [illegible] the question, nullo contradicente, that the Clergy of England, [illegible] Convocation, or Synod, or other wise, have no power [illegible] to make any constitutions, canons, or [illegible]

[illegible]ecter, in matter of doctrine, discipline, [illegible]rwise, to bind the clergy or the laity of this [illegible] without common consent of parliament. 2. "That the several Constitutions and Canons Ecclesiastical, treated upon by the archbishops of Canterbury and York, presidents of the respective convocations for those provinces, with the rest of the bishops and clergy, and agreed on, with the king's licence, in their several synods, begun at London and York, do not bind the clergy or laity of this land, or either of them."

Dec 16 It was further resolved, 1 "That the Canons and Constitutions do contain in them many matters contrary to the king's prerogative, to the fundamental laws and statutes of this realm, to the right of parliaments, to the property and liberty of the subjects, and are matters tending to sedition, and of dangerous consequence." 2. "That the several grants of Benavolence, and Contribution granted to his majesty, by the clergy of the provinces of Canterbury and York, in the several convocations, or synods, holden at London and York, in 1640, are contrary to the laws, and ought not to bind the clergy."

A committee was appointed to prepare the several votes, concerning the new Canons, and to make them ready for this house to present to the lords; and to examine and consider who were the promoters of these new Canons, and who the principal actors; and what execution has been made upon them, and by whom; and to consider how far, in particular, the lord abp of Canterbury has been an actor in all the proceedings of them, and further to examine how far he has been an actor in the great design of the subversion of the laws of the realm, and of the religion; and to prepare and draw up a Charge against him and such others as shall appear offenders in these particulars. To have power to send for persons, papers, records, books, and witnesses, and to do any other act which they, in their judgments, think fit.

Dec. 17. The Treasurer of the Household informed the house, "That the king, being acquainted by him with the great care and affection of the commons, to advance and settle his majesty's Revenue, doth very graciously interpret the same; and had commanded him to give the house thanks for it in his name. That his majesty doth give the house free leave to enter into the debate of his Revenues and Expences, as is desired; and hath given orders, that all his officers and ministers, from time to time, shall assist the house therein, as occasion shall be."

The late Breaches of Parliamentary Privilege inquired into.] Dec 18 A committee was appointed to take into consideration the Breaches of Parliamentary Privileges, both in the last parliament, and in that of Sto Caroli: and, especially, the proceedings against Mr. Hollis, Sir Peter Hayman, Mr. Strode, Mr. Valentine, Mr. Seldan, Mr. Walter Long, Sir John Elliot, Sir Miles Hobart, Mr. Crew, Mr Bellasise, Sir John Hotham, Mr Hampden, Mr Pym, and Sir Walter Erle, members of the last parl or that of Sto Caroli. And they are likewise to consider what reparations are fit to be granted to the parties grieved; and to think of some course to prevent the like hereafter, but the committee is first to inquire after, and to consider of the Breaches of Parliament, Sto Caroli, and report them to the house.

Dr Laud, Archbishop of Canterbury, charged with High Treason.] It was resolved upon the question, "That a Message be sent to the lords, to accuse Wm. Laud, archbishop of Canterbury, of High Treason, in the name of this house, and of all the commons of England, and to desire that he may be forthwith sequestred from parliament, and be committed That, within some convenient time, this house will resort to their lordships with particular accusations and Articles against him." Mr Hollis was appointed to go up to the lords with this message, who, soon after returning, reported, 'That he had delivered it; and that the lord keeper told him the lords had considered of the message, and, accordingly, had sequestred the archbishop from the house, and committed him to the custody of their gentleman usher"—In the Journals of the Lords there is nothing more particular relating to this affair, except, That when the archbishop was accused there, as is said, he desired leave to speak, and dropped some unguarded expressions, which he afterwards begged to recant, but was refused. He then desired leave to go to his house to fetch some papers that might enabled him to make his defence, which the house granted, provided he did nothing but in sight of the gentleman usher, in whose custody he was ordered to remain.

On this occasion, we find a speech made by Mr Grimston. The trial at large of the archbishop being printed singly, and also in the State Trials, we shall pass it over cursorily; but shall nevertheless give this speech, because it exhibits, by way of abstract, the whole accusation against that prelate

Mr. *Grimston* said:—'Mr Speaker, There hath been presented to the house a most faithful and exact report of the conference we had with the lords yesterday, together with the opinion of the committees that we employed in the service, that they conceived it fit, that the abp. of Canterbury should be sequestred, and I must second the motion and, with the favour of this house, I shall be bold to offer my reasons, why I conceive it more necessary we should proceed a little further than the desire of a bare sequestration only.—Mr. Speaker, long introductions are not suitable to weighty businesses: we are now fallen upon the great man, the abp. of Canterbury. Look upon him as he is in highness, and he is the sty of pestilential filth, that hath infected the state and government of this commonwealth: look upon him in his dependences, and he is the man, the only man, that hath raised and ad-

vanced all those that, together with himself, have been the authors and causers of all the fears, miseries, and calamities we now groan under. Who is it but he, only, that hath brought the earl of Strafford to all his great places and employments? A fit spirit and instrument to act and execute all his wicked and bloody designs in these kingdoms. Who is it but he, only, that brought in secretary Windebank into that place of trust; the very broker and pander to the whore of Babylon? Who is it, Mr Speaker, but he, only, that hath advanced all our Popish bishops? I shall name but some of them; bishop Manwaring,* the bishop of Bath and Wells,† the bishop of Oxford,‡ and bishop Wren,‖ the last of all these birds, but one of the most unclean ones. These are the men that should have fed Christ's flock, but they are the wolves that have devoured them, the sheep should have fed upon the mountains, but the mountains have eaten up the sheep. It was the happiness of our church, when the zeal of God's house set up the bishops, glorious and brave martyrs, that went to the stake in defence of the Protestant religion; but the zeal of our bishops hath been only to persecute and eat up the church. Who is it, Mr. Speaker, but this great archbishop of Canterbury, that hath sitten at the helm, to steer and to manage all the unlawful projects that have been set on foot in this kingdom these ten years last past? And rather than he would stand out, he hath most unworthily truckled and chafered in the meanest of them, as for instance, that of Tobacco, wherein thousands of poor people have been stripped and turned out of their trades, for which they have served as apprentices we all know he was the compounder and contracter with them for the licences, putting them to pay fines, and a fee-farm rent to use their trade. Certainly, Mr Speaker, he might have spent his time much better, and more for his grace in the pulpit, than thus sheering and raking in the Tobacco-shops. Mr Speaker, we all know what he hath been charged with here in this house; crimes of a dangerous consequence, and of a transcendent nature, no less than the subversion of the government of this kingdom, and the alteration of the Protestant religion, and this not upon a bare information, but much of it is come in force as already upon clear and manifest proofs, and there is scarce any grievance or complaint come before us in this place, wherein we do not find him intermentioned, and, as it were, twisted into it; he is a busy angry wasp, his sting is in the tail of every thing we have likewise, this day, heard, in the report of the conference of yesterday, the accusation which the Scots have also charged him withal, and we do all know the quality of the crime, if no more, here in this kingdom. Mr. Speaker, he hath been the great and common enemy of all goodness and men, and it is not safe that such a one

* Bishop of St Davids'. † Dr. Wm. Piers.
‡ Dr. John Bancroft. ‖ Bishop of Ely.

should be near his majesty's person, to distil his poison into his sacred ears; nor is it safe for the commonwealth, that he sit in so eminent a place of government, being thus accused: we know what we did in the case of Strafford's case: this man is the corrupt fountain that hath infected all the streams, and till the fountain be purged, we can never expect or hope to have clear channels. I shall be, therefore, bold to offer my opinion, and, if I err, it is the error of my judgment, and not my want of zeal and affection to the public good. I conceive it is most necessary and fit, that we should now take up a resolution to do somewhat; to strike while the iron is hot, and to go up to the lords in the names of the commons of this house, and in the names of the commons of England, and to accuse him of High Treason; and to desire their lordships his person may be sequestred, that, in convenient time, we may bring up his Charge.'

Information against Dr. Wren, Bp of Ely.] Dec. 19. It was ordered, "That a message should be sent to the lords, to acquaint them, that there are certain Informations of a high nature, in their house, against Dr Matthew Wren, bishop of Ely, concerning the setting up of Idolatry and Superstition, in divers places, and exercising some acts of it in his own person; with divers other matters of great importance; and that they have information likewise, that he endeavors an escape therefore they desire their lordships that there may be some care taken, that he may give good security to abide the judgment of parliament." Mr. Hampden went up with this message, to whom the lord keeper returned this Answer, 'That their lordships had ordered the bishop of Ely to give bail for 10,000*l* to stand the judgment of parliament."

Secretary Windebank flies the Kingdom.] The parliament of inquisition, as Saunderson call it, began now to look terrible to all that lodged but under a suspicion of guilt, but most of all to those who were conscious condemn'd themselves. Sir Francis Windebank, secretary of state, was said to be one of the latter: who, observing a storm rising strongly against him, by the votes in the house, about the beginning of December, thought proper to withdraw himself to a place of greater safety, and fled into France.

Articles against Secretary Windebank.] The Articles against him were ready drawn up, and the crimes he is accused of were as follows:— "1. Seventy-seven Letters of Grace to Recusants, within these 3 years, signed by his own hand. 2 Sixty-four Pasports in the Gatehouse, within these 4 years this charged, for the most part, by him. 3 Twenty-nine Pasports charged by his own clerk. 4 A Warrant to protect one Mutton, a condemned Priest, and all the houses he frequented. 5. One committed by the king's own hand, and discharged by him, without signification of the king's pleasure there. 6 A Petition of St Giles in the fields, near London, to the king, of the increase of Papists in

their parish, wherein 21 persons were seduced and turned by two priests, the which priests were both discharged by him."

Secretary Windebank's Vindication of himself in a Letter to the Earl of Pembroke.] From Calais this unfortunate statesman wrote the following letter to Philip earl of Pembroke, then lord great chamberlain of England, which, though not strictly parliamentary, may well claim a place in this history. It was in these words *—"My lord, I owe myself to your lordship for your late favours, and therefore much more the account of myself, though the debt, in either respect, be of little consideration, and the cancelling of both may be of greater advantage to you than to continue the obligation.—This account had been presented to your lordship at my first arrival here with my first dispatches, but I was so mortified with my hazardous passage in an open shallop, and so perplexed with the thoughts of miseries, into which I find myself plunged, and besides, the departure of the messenger that carried those letters, was so sudden, that it was not possible to perform this duty to your lordship sooner, for the which I do most humbly crave pardon. Your lordship may now please to accept the expressions, from the saddest and most wounded soul in the whole world, who am a spectacle of misery in myself, in my distressed wife and children, and in my whole fortunes, who have left the attending of my sovereign and master, and access to the best prince in the world, who am become a scorn and by-word to all the world, both at home and abroad; a wanderer, an exile from my own country, now in the declination of my years, and likely to end my days in a remote country, far from the comfort of all my friends.—What I am guilty of none knows so well as his majesty, whom I have served faithfully, diligently, and with as true and loyal a heart, according to my poor abilities, as any other whatsoever, and if I found my conscience charged with any crime of baseness, corruption, infidelity, or any thing else unworthy of a gentleman, I should not venture to address these complaints to your lordship, or to any other person of honour.—In this disconsolate estate, being an object not altogether unworthy of your lordship's compassion, be it for no other respect, but that I have long served the king and queen's majesties, I doubt not but your lordship, in your generosity and goodness, will have a lively sense and feeling of my sufferings, and vouchsafe me such relief as in your honour you may, and of myself, who, by course of nature, cannot be any of long continuance, be not considerable, I must beseech your lordship to have pity upon my poor innocent wife and children, that they receive such comfort and assistance from you in my absence, that they may be preserved from perishing. And to that end I most humbly crave your lordship's favour to this bearer, my son, and to give him the honour of access whensoever he shall make his addresses to you wherein you shall do a work of singular charity.—Now, because there is an opinion in the world, that I have much improved my estate by the Roman party, and that there has been a design, by my ministry, to introduce popery into England, I shall humbly crave your lordship's patience in giving me leave clear these two great misunderstandings, which, if they were true, were sufficient to render me incapable of his majesty's favour or of the compassion of any person of honour whatsoever.—For the first, it is notorious to all the world, that having now served his majesty, in the place of secretary, for the space of above 8 years, I have not added one foot land to the inheritance left me by my father, which, in land and lease, was not above 200*l.* per annum; a poor and inconsiderable estate for a secretary, and such a one as most of my predecessors have more than trebled in a short time; for my manner of living, it hath been more than under the dignity of a secretary, and if I had not been very frugal, I could not have subsisted where then this concealed mass of treasure is which those that speak so liberally of it would let me know; for I do protest to God I am utterly to seek where to discover it; and at this present I am so unfurnished with money, that if his majesty cause me not to be supplied, I am unable to subsist in these parts, without exposing my family in England to the danger of starving, and yet neither my purpose nor inclination is to live otherwise here, than in the greatest obscurity and closeness that possibly I may. I assure your lordship that those of the Roman party that passed my hands by his majesty's commandment, were poor distressed creatures, and far from being able to enrich me; and besides, how little I have studied my own private interest, and how freely and like a gentleman (I hope I may speak the truth without distinction) I have done courtesies to all, I wish I should appear by the testimony of such to whom I have been of use of my services, than by my own. My lord and I have served the crown of England 30 years together, in which time, if a greater estate had been raised it might well have been justified, considering the great employments near the persons of queen Elizabeth, king James, and his majesty that now is, we have had; and your lordship may believe me for I avow it upon the faith of a christian, that it is no more than I have above-mentioned; and whether there are not many, from lesser employments, have risen to be noblemen, and made their fortune accordingly, I leave the world to judge.—For the other suspicion of my being a favourer or advancer of popery, I protest before the Almighty God, and as I hope to answer at the last dreadful day, that I have no ground for the least suspicion thereof, neither am I myself, nor is any of mine, to my knowledge, guilty of the least thought of such purpose; for myself, I received my first

* From the Collection of Speeches, &c. before cited.

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to this minute, no man is able to say that ever I was author, adviser, or consenter to any project. It pleased the king, my gracious master, after I had served him divers years, to prefer me to two places, to be Chief Justice of the Common Pleas, and then Keeper of his Great seal. I say it in the presence of God, I was so far from the thoughts of the one, and from the ambition of the other, that but for my master's grace and goodness, I had never enjoyed those honours.—I cannot tell, Mr Speaker, nor do I know, what particulars there are that may draw me into your dishonour or ill opinion, and therefore I shall come very weakly armed yet to those that either in my own knowledge, or by such knowledge as is given me, and not from any in this house, I shall speak some hint, that I hope, being truth, and accompanied with clearness and ingenuity, will procure, in least, some allay of that ill opinion which may perhaps be conceived of me.—Mr Speaker, I had once the honour to sit in the place that you do, from the first time I came thither, to the unfortunate time (see p. 420), I do appeal to all that were here then, if I served you not with candour. Ill office I never did to any of the house, good offices I have witnesses enough I did many. I was so happy that, upon an occasion which once happened, I received an expression and testimony of the good affection of this house towards me. For the last unhappy day, I had a great share in the unhappiness and sorrow of it. I hope there are enough to remember, that no man within the walls of this house did express more symptoms of sorrow, grief, and distraction, than I did.—After an adjournment for 2 or 3 days, it pleased his majesty to send for me, to let me know that he could not so resolve of things as he wished, and therefore was desirous of an adjournment for some few days more. I protest I did not then discern in his majesty any inclination, and I believe it was not in his thoughts, to dissolve this assembly; but he was pleased, in the first place, to give me a command to deliver his pleasure to the house for an adjournment for some few days, till the Monday following, as I remember, and commanded me withall to deliver his pleasure, that there should be no further speeches, but forthwith, upon the delivery of this message, I should come and wait upon him. he likewise commanded me, if questions were offered to be put, upon my allegiance I should not dare to do it. How much I did then, in all humbleness, reason with his majesty, is not for me here to speak; only thus much let me say, I was no author of any counsel in it, I was only a person receiving a commission. I speak not this as a thing I now produce or do invent, or take up for my own excuse; but that which is known to divers, and some honourable persons in this house, to be most true. All that I will say for that, is humbly to beseech you all to consider, that if it had been any other man's case as it was mine, how he would have comported himself between the displeasure of a gracious king, and the all opinion of this honourable assembly. I beseech you lay all together, lay my first actions and behaviour with the last; I shall submit all to your honourable and favourable constructions.—For the Shipping-Business, my opinion of that cause hath him heavy upon me, I shall clearly and truly present unto you what every thing is, with this protestation, That in reckoning up my own opinion that I was or what I delivered, any thing of it be displeasing, or contrary to the opinion of this house, that I am far from justifying of it; but submit that, and all other my actions, to your wisdoms and goodness.—Mr. Speaker, as to the first writs that were sent out about the Shipping-business, I had no more knowledge of it, and was as ignorant as any one member of this house, or any man in the kingdom. I was neither the author nor adviser of it; and will boldly say, from the first to this hour, I did never advise nor counsel the setting forth of any Ship-Writs in my life.—Mr Speaker, it is true that I was made chief justice of the Common Pleas some four days before the Ship-Writs went out to the ports and maritime places. As I do remember the 20th of Oct. 1634, they do bear teste; and I was sworn the 16th of Oct so they went out in that time, but without my knowledge or privity. the God of Heaven knows this to be true.—Mr Speaker, afterwards his maj. was pleased to command my lord chief justice of the king's-bench, that then was, Sir Tho Richardson, and chief baron of the Exchequer that now is (Sir Humphrey Davenport,) and myself, then chief justice of the Common Pleas, to take into consideration the precedents then brought unto us, which we did, and after returned to his maj what we had found out of those precedents.—It is true, afterwards, his maj did take into consideration, that if the whole kingdom were concerned, it was not reason to lay the whole burthen upon the Cinque-ports and maritime towns only: but upon what grounds his maj took that consideration, I do confess I do know nothing of it.—His maj did command my lord chief justice, that now is (Sir Thomas Bremston,) my lord chief baron, and myself, to return our opinions; 'Whether, when the whole kingdom is in danger, and the king is in general is concerned, it be not according to law and reason, that the whole kingdom for his maj and all interested therein, should contribute in defending and preserving thereof?' This was in time, about 1634.—In Michaelmas term following, his maj. commanded me to go to all the Judges, and require their opinions in particular. He commanded me to do it to every one, and to charge them, upon their duty and allegiance, to keep it secret. Mr. Speaker, this was never intended by his maj. (as I confessed by him at that time, and so declared to all the Judges) nor was it required by him that such a binding opinion to the subject, as should thereby bind him from calling it in question, should be binding to themselves, but that, upon mature reason and advice, they might alter it

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God of Heaven will
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not move against that
clear truth. Mr Speaker
this as there are, between
discourses sometimes)
cause wherein Judges
conference was as between
Speaker, against a negative
but I shall affirm nothing
ce of God, as I
make no doubt of making it
This opinion was affirmed without solici-
tation, there was not any man of us did make
any doubt of subscribing to it, but Mr. Justice Hutton, and Mr Justice Crooke.
—Mr Justice Crooke much as scrupled at
the thing, but at the last time, for I went
thus: That when the parliament and the
peers were met in full, then upon debate of
the case between ship-money and the safety
which has ever been the sole judge whether
it was not reasonable in law and reason the
whole kingdom should bear the charge? I left
this case with pen and ink. The next time
I pulled with him, he could give me no reason
to the contrary, because he had not seen the writs in
former times: but did give his opinion, That
when the whole kingdom was in danger, the
defence thereof ought to be borne by all. So
of that opinion of his, there was no need to
insist upon it—I spoke no more here than I did
in my argument in the Exchequer-
Chamber this is the naked truth. As for
Mr. Justice Hutton, he did never subscribe at
all. I will only say this, that I was so far from
pressing him to give his opinion, because he
desired time to consider of it, that I told boldly
and made it good, That which his maj
have had him sometime sent for, to
give his opinion, I beseech you to leave
him to himself and his conscience, and that
was the ill office I did. The judges did sub-
scribe in Nov or Dec 1637. I had no confe-
rence truly, I think, but accident, my dis-
with any of the
touching their
opinions; for all Feb. 1638, three were out.

speech of it. And when they had delivered
their opinions, I did return, according to my
duty, to my master the king, and delivered
them to him, in which consisted the
In Feb 1636, upon a command that came from
his majesty by one of the honourable
the judges being all assembled in Serjeants-Inn,
we did then enter into a debate of the case then
in question, and we did then return our
opinion in writing. There was then much
debate and great debate about it. Mine
own and brethren's opinion was,
was ready to be upon the rule first
I did use the best arguments I could for the
maintenance of my opinion, and it was all
I did. It is true that then, at that time, Mr.
Justice Hutton and Mr Justice Crooke, did
not deliver their opinion, which was this:
Whether the king may charge,
the whole kingdom.
Whether the king may be
the judges delivered so
to the House of Lords
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—It is true that all of them
Hutton and
returned to his
Star-chamber.
I will say
memories
done. The
Hutton
differed in
from
the greater
were
Mr Speaker, I
that
afterwards, to
my
The
question
of the
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Burgden's;
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argued
or less, but it
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the charge was still
pleading.
And therefore this
the thing in
dispute, but only the first
that
to it. I did deliver my
as clear as any man did, That the
ought
to govern by the positive laws of the kingdom;
that he could not alter nor change, nor inno-

* Thomas Lord Coventry.

matters of law, but by common consent of parliament. I did further deliver, That [illegible] were used to make a further revenue or benefit to the king, or in any other way, but in case of necessity, and for the preservation of the kingdom, the judgment did warrant no such thing. My opinion in this [illegible], I only in the consideration of the [illegible] went, submit to the judgment of this house. I never delivered my opinion, That money ought to be raised, but [illegible] provided to the defence of this kingdom; and that the work was performed: and then the charge ought not to be in any case, but where the whole kingdom was in danger. Mr justice Hutton and Mr justice Croke were of the same opinion with me.—Having [illegible] carriage in this business, I [illegible] myself to your [illegible] and favourable construction, beseeching you not to make [illegible] these things which the heat of [illegible] or wit, the common [illegible] of the kingdom or to [illegible] have [illegible] of government. I have [illegible] though [illegible] Mr. Speaker, I [illegible] hath been [illegible] about [illegible] far out of the way [illegible] I know towards the [illegible] majesty, to the [illegible] Now, to give some short [illegible] employment. When I came [illegible] the king and [illegible] service, for I did, and [illegible] extreme danger to myself and fortune (some do understand my coming from Ireland through that business, and let the Insect Boanlarge as I found them. When I was [illegible] that employment, I [illegible] myself about the matter of [illegible] There were great difficulties of opinions, what [illegible] was told and [illegible] as I told before I did any thing in it. I did [illegible] those that were then judges, in the presence of the noble lords, with such [illegible] I thought it my duty to offer [illegible] they were not objected [illegible] were fit to [illegible] I was [illegible] that discourse. They thought the objection had such answers as [illegible] could induce them like upon [illegible] admitting me to come [illegible] to which [illegible] and unanimously subscribe.—It fell out [illegible] the king commanded me, [illegible] but [illegible] justice, to go into Essex, and did then tell me [illegible] had been informed, that the bounds of the Forest were [illegible] they ought to be; and I [illegible] to his command.—I will here [illegible] which I known to many. I had no thought, nor intention, of enlarging the bounds of the Forest, further than those parts [illegible] was a perambulation 26 Edw. 3. I desired the counties to confer with me about it, if they were pleased to do it; and then, according to my duty, I did reduce those records which I thought fit for his majesty's service, leaving them to do themselves, as by law and justice they do. I did never, in the least kind, go to overthrow the Charter of the Forest, did publish and maintain Charta de Foresta as a sacred thing, and no man to violate [illegible] and commonwealth. I do most humbly all that I have done to the goodness [illegible] house."

Whitelocke tells us, 'This Apology of Finch, which he calls a very elegant, gracious speech in his own vindication, [illegible] learned lawman, was delivered with [illegible] vehement grief and gesture.' He adds, 'It [illegible] very exceedingly taken with his [illegible] and carriage, and it was a sad [illegible] of his greatness, parts, [illegible] in appearing in such a posture, being [illegible] to plead for [illegible] and favour.'

The Lord keeper being withdrawn [illegible]

Mr *Digby*, member for Wigan, stood up, in answer to his lordship's [illegible] —'Mr Speaker, I hope my [illegible] prompt me to it still and be silent, yet my duty [illegible] to my king, my country, and my conscience [illegible] me to stand up and speak. Mr. Speaker, had not this syren sung so [illegible] tongue, such [illegible] he could never have [illegible] much mischief to this kingdom. you know, 'Opti mentum potest retro gestum,' the best things perverted become the worst; nil [illegible] the name [illegible] in the body politick, and what [illegible] be done then, Mr. Speaker, we all know, 'Corruptio optimi est,' the sword of Justice [illegible] strike, 'The pars sanior era trahatur'—Mr Speaker, it is not the voice, 'Omnis vox est sonus,' not the tongue, but the heart and [illegible] is that we are to be suspected for doth not our Saviour say it, 'Then the [illegible] by my works, O mine!' Now, Mr. Speaker, hath not this Lord [illegible] seen, and I, may tell and shrieked under the cruelty of this man's justice? Six [illegible] as to record it in every court of Westminster, as if he had not been contented with the enslaving of us all, unless he [illegible] it to all posterity. Why should I believe words [illegible] fictum volucrum? Shall we be weak men, as, when we have been injured and abused, to be gained again with fair words and compliments? Or, like little children, who [illegible] have been whipt and beaten, be pleased again with sweet meats? Oh, no: there be some birds that, in the summer of parliament, will sing sweetly, who, in the winter of persecution, will, by their prey, ravenously fly at all, upon our goods, nay, seize upon our persons, and hath it not been with this man with some in this assembly?—Mr Speaker, it hath been objected unto us, That in judgment it we should think of mercy, and 'Be ye merciful as your heavenly Father is merciful;' now God Almighty grant that we be so, and that our hearts and judgments may be truly rectified to know truly what

mercy: I say to know what is mercy; for the rest of the point, Mr Speaker: I have heard of foolish pity, foolish pity: do we not all know the effects of it? And I have met with this subject to mercy, 'Cruelis misericordia,' said, in some kind, I think there was here cited me: I am sure the equity of God [illegible], 'Be not pitiful in judgment,' nor in faith, 'Be not pitiful of the poor in judgment,' if not of the poor, then a fortiori not of the rich; there's the emphasis. We see, by the usual and solemn appointments of our courts of justice, what provision the wisdom of our ancestors hath made for the preservation, both of [illegible] and form of justice, witness our frequent terms, sessions, and circuits, and in their progress and state the judges in their persons, both [illegible], knight, and justices, and all [illegible] the attendant oft-times for the [illegible] part that for the security of [illegible] [illegible] in some case. For the shedding of [illegible] and very justly for [illegible]. And now, shall not some of them be hanged that have robbed us of all our property, and [illegible], all our sheep, and all our [illegible], and I have much to all indeed [illegible] to have begged for half pence, when they would not have left us one penny that we could have called our own?—Let us then not now, Mr Speaker, not be so pitiful [illegible] that we cause; not so pitiful in pity, as [illegible] no judgment, but set the deplorable [illegible] Great Britain now before our eyes, and consider him our most gracious sovereign [illegible] wounded, and both his majesty and all [illegible] injured, I will see nickel [illegible] [illegible] which my humble motions, Mr [illegible] are become [illegible] and [illegible], as to the [illegible] [illegible] [illegible]

said Articles.] After the reading of these Articles,

The Lord *Falkland* made the following speech in support of them:—'My Lords; These Articles against my lord Finch being read, I may be bold to apply that of the poet,

'Nil refert tales versus quo voce legantur'

And I doubt not but your lordships must be of the same opinion, of which the house of Commons appears to have been, by the vote they made of me, that the Charge I have brought is such, as needs no assistance from the bringer, leaving not so much as colour for any evasion, including all possible evidence, and all possible aggravation, that could non alone excepted which he alone could mak', and hath made, I mean his confession, included in his flight. Here are many and mighty crimes, crimes of open notoriety, so that high Treason is but a part of his charge, pursuing the several heads several conditions; being a short Speaker, an unjust Judge, and no merciful one: he keeps that his life appears a perpetual outlaw, by injuries and by battery, by bribe and by stratagem, against our fundamental laws, which, by his own confession, several corruptions had left untouched against the excellent constitution of this kingdom, which hath made it appear unto strangers rather an idea, than a real commonwealth, and produced the admired happiness of this as the wonder of every other nation, and this with such unfortunate success, that, as he always intended to make our ruins a ground of his inhancement, so his advancement is the ruin of our further ruin.—After that, contrary to the duty of his place, or like end of that meeting in which he held his place, he had not were gagged the commonwealth, took away from, in his power, all power of public trust in public bodies, to whom it ought to have been the means, and which alone can be left to represent the conditions of the people, whom they represents, which, if he had not done, in all probability, what so grave and judicious an assembly might have offered to the consideration of so great and just a prince, had or against the redress of the Grievances they then suffered, and presented those which they have since endured: according to the traditional maxim of Oriental tyrants,' he pursued this inferior towards the parliament, by calling them to the mouths, by scaling their privileges, by trampling upon their Acts and Declarations, by usurping and devouring the right, by diminishing and abrogating the power, both of that and other parliaments, and making them, as much as in him lay, both useless and odious to his way: nay, he pursued his hatred to this fountain of by corrupting the streams of it, the ; and perverting the conduit pipes, the judges.—He practised the annihilating of ancient and notorious perambulations of particular Forests, the better to prepare himself to annihilate the ancient and notorious perambulations of the whole kingdom, the metes and bounds ries between the liberties of the subject and foreign power; he endeavoured to have nures durante beneplacito, and to h from his maj.'s courts into his majesty he gave our goods to the king, our deer, our liberties to his sheriffs, so was no way by which we had not pressed and destroyed, if the power of sin had been equal to its will; but will of his majesty had been equal power.—He not only, by the mean liable to all the effects of an invasion without all the restriction of our which included the destruction of our g and him liable to the intricest of a war within that of want and misery: so what he plainly had in contemplation as sure as his declaration could what his will was our parliament-proof wealthy and happy kingdom, there could been left a rebellion but of grievances this moment, no sanctuary but amongst guilty.—It is generally observed of the plague that the infection of others, is as earnest as const in desire of all that are seized by and as this design resembles that disease, the ruin, destruction, and desolation it would have brought, so it seems no less like it in the effect, he having so laboured to make others share in his guilt, that all salvation would not only his person, but theirs; making both of his authority, his interest, and opportunity to persuade, and, in his name, name of one party is known to give excellent precedents to his person, the guess to his place, not to be a money) to threaten the rest of the Judges sign Opinions contrary to law, to assign sworn country to their Opinions, to give judgment, with the ought not to have given, hours and judgment, when they had given their might so that whosoever considers his end and concernment, both in the and the countenance of this project, cannot but, by the same way, by which the worst judgment found the true mother of the child, cannot but only to have been the former, but the father of this most pernicious and vous design.—I shall not need to observe that this was plotted and pursued by an Englishman in, not England; which increases the crime in no less degree than parricide to beyond murder, that this was done in the greatest matter joined to the greatest to being against the general liberty, and property, by a sworn Judge, and if such such become customary, the gospel itself hath designed whether it must be cast, that he poisoned our very antidotes, and turned our guards into a destruction, making law ground of illegality: that he used the law not only against us, but against itself; making it, as I may say, felo de se, making the protection for I can scarce say, the appearance of law, to contribute to the utter ruin of itself.—not need to say, that either this way, or can be

the highest kind, and in the highest degree, parliamentary Treason; a treason which needs no combination of many several actions, which alone were not treason, to prove a treason altogether, and to that demonstration of the intention, to make that formally treason, which were, maternally, but a misdemeanor; a treason as well against the king, as against the kingdom, for whatsoever is against the whole, is undoubtedly against the head, which takes from his majesty the ground of his rule, the Laws, (for if foundations be destroyed, the pinnacles are not long endangered) which takes from his majesty the principal honour of his rule, the Ruling over free Men, a power as much nobler than that over villains, as that is more honourable to take from his foe, than to destroy his principal support of his Rule, their Persons and affections over whom he rules, a better and surer strength and wall to the king, than the sea is to this kingdom, and, by begetting a jealousy betwixt them, of himself the dangerous effect of the destruction of both.—My lords, I shall the less need to press this, because as it was unreasonable to any one to suspect your prudence, so, here especially, where your interest is so clearly united with your great share in possessions, getting you an equal concernment in properties, the care and pains, used by your noble ancestors in the founding and asserting those famous liberties renders the least defence of them your most proper and peculiar inheritance, and both excite to oppose and extirpate all such designs as shall introduce, and would have settled an arbitrary, that is, an intolerable form of government, and have made all your lordships and their posterity but [illegible] arable slaves.—I [illegible] I will spend no more words, 'tis [illegible] to accuse the ghost of a departed person, whom his crimes accuse more than I can do, and his absence accuseth so less than his crimes. Neither will I excuse the weight of what I have said, because I count it needless, without adding to the fault of my pen or my own imperfections, either in the matter or manner of it. I will only desire by the Command, and in the behalf of the House of Commons, that these proceedings may be put in so speedy a way of dispatch, as in such cases the course of parliament will allow.'

Lord Keeper Finch's Letter to the Earl of Pembroke, after his Escape.] The Lord Keeper's Letter from the Hague, to the earl of Pembroke, lord chamberlain, after his escape, was as follows,—

"Hague, Jan. 3, 1640

"My most well-beloved lord; The interest your lordship hath ever had in the best of my love and affections, gives me the privilege of troubling your lordship with these few lines, from one that hath now nothing left to serve you withall but his prayers: these your lordship shall never want, with an heart as full of true affection to your lordship, as ever any was.—My lord, it was not the loss of my place, and with that of my fortunes, nor being exiled from my dear country and friends, though many of them were cause of sorrow, that affrights; but that which I must suffer under, is, that displeasure of the house of commons conceived against me. I know how true a heart I have ever borne towards them, and your lordship can witness, in part, what ways I have gone in, but silence and hope best become me, with these I must leave myself and my actions to the favourable construction of my private friends, in which number your lordship hath a prime place. I am now at the Hague, where I arrived on Thursday the last day of last month, where I purpose to live in a [illegible] condition to the success of my fortunes. [illegible] my thoughts of them, and my aim shall be so to [illegible] to number my days, that I may apply my heart unto wisdom,' that wisdom that shall [illegible] comes from above, and [illegible] by the hand to true happiness, which I pray may be taken from me. I pray the God of Heaven to bless this parliament with both a happy progress and conclusion, in my own mean place but the best station I shall hope for at it. I truly pray for your lordship and your noble family, that God would give an increase of all worldly blessings, and in the fulness of days, to receive you to his Glory, and I more especially of serving your lordship, I would tell your lordship, that no man should be readier to make known his devotion, and true gratitude in your lordship, than your lordship's most humble and affectionate [illegible] servant, "Fr. Can."

Articles [illegible] against Sir George Ratcliffe.] Digby Sir George Ratcliffe was accused in the commons, at a conference with the other house, on the following Articles

I. That he the said Sir George Ratcliffe traitorously conspired and declared with Thomas earl of Strafford, to subvert the fundamental laws and government of the realms of England and Ireland, and to introduce arbitrary and tyrannical government against law, which hath been exercised, levied, and put in execution by the said earl of Strafford, and his adherents and accomplices, in the kingdom of Ireland, and endeavoured to be introduced into England, and compel the subjects of this kingdom to submit thereunto. II. That he hath traitorously confederated and conspired with the said earl of Strafford, and hath been of counsel, counsellor, and instrument to him in assuming and exercising regal power, over the liberties and persons, lands and goods of his majesty's subjects of Ireland; and accordingly hath exercised the same tyrannically, to the subversion and undoing of divers of his majesty's liege people. III. That, for the better enabling of the said earl and himself to go on with their traiterous designs, he, the said sir G. R. traiterously join'd and confederated with the said earl, in taking great sums of money out of his majesty's [illegible] Ireland [illegible]

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exchequer of Ireland, and converting them to the use of the said earl and himself, when his majesty was necessitated for his own urgent occasions, the army having been then long unpaid. IV. That he hath traiterously consiederated with the said earl, and abused the power and authority which he held in Ireland, to the countenancing and encouraging of popery, that he might settle a mutual dependence and confidence between the earl and himself, and that party; and to alienate the affections of the Irish Papists from the subjects of England, and by their help to prosecute and accomplish their malitious and tyrannical designs. V. That he hath traiterously conspired with the said earl of Strafford, in plotting and endeavouring to stir up enmity and hostility between his majesty's subjects of England and those of Scotland. VI. That, the better to preserve himself and the said earl, in this and other traiterous courses, he hath laboured to subvert the rights of parliament, and the antient course of parliamentary proceedings.—All which offences were committed during the time that the said sir George was a counsellor of state in the kingdom of Ireland, and had taken oath for the faithful discharge of the same. By which actions, conteder acies, and conspiracies, he hath, traiterously, and contrary to his allegiance, endeavoured the ruin and destruction of his majesty's kingdoms, for which they do impeach the said sir George Ratcliff of High Treason against our sovereign lord the king, his crown and dignity. And the said commons saving to themselves, &c. do pray that the said sir George may be put to answer to all and every of the premisses, and that such trial and judgment may be had thereon, as is agreeable to law and justice."

Mr Pym's Speech in support of the said Articles.] After the reading of these Articles, Mr. *Pym* delivered himself to the lords in these words * "My Lords, By hearing this Charge, your lordships may perceive what near conjunction there is between this cause and the earl of Strafford's: the materials are, for the most part, the same in both: the offences of the earl, moving from a higher orb, are more comprehensive; they extend both to England and Ireland: these, except in one particular, of reducing England by the Irish army, are confined within this kingdom. The earl is charged as an author, sir George as an instrument and subordinate actor. The influences of superior planets are often augmented and enforced, but seldom mitigated by the concurrence of the inferior, where merit doth arise not from well-doing, but from ill: the officiousness of ministers will rather add to the malignity of their instructions, than diminish it, that so they may more fully ingratiate themselves with those upon whom they depend.—In the crime committed by the earl, there appears more haughtiness and fierceness, being acted by his own principles. Those motions are ever strongest, which are nearest the proper mobile: but in those of sir George, there seems to be more baseness and servility, having resigned and subjected himself to be acted upon by the corrupt will of another.—The earl of Strafford hath not been bred in the study and practice of the law, and having [illegible] lusts and passions to incite, and less [illegible] to restrain him, might more easily be transported from the rule. Sir George, in his natural temper and disposition, being more moderate, and, by his education and profession better acquainted with the grounds and directions of the law, was carried into his offences by a more immediate concurrence of will, and a more corrupt suppression of his own reason and judgment. My lords, as both these [illegible] been partners in offending; so it is the desire of the commons they may be put under such trial and examination, and other proceedings of justice, as may bring them to partake of a deserved punishment, for the safety and good of both kingdoms."

Sir George Ratcliff was then ordered to be brought to the bar, and told, 'That the house of commons had brought up Articles of High Treason against him, which being read unto him, and having liberty to speak, he desired their lordships that he might have counsel assigned him, with liberty to come and advise him; because he conceived there was in the charge divers points of law to be considered, and he himself was altogether unknowing in the manner of proceedings in the house. Next he desired, that he might be allowed a competent time to answer in. Both which requests were granted him.—Then their lordships talked in the keeper of the Gatehouse and told him that sir George was committed upon an accusation of High Treason: therefore they would now expect from him that he should be kept in safe custody upon his peril, and that every night he must take a note what persons have visited him that day, and every Saturday give an account of it to this house.

Informations against six of the Judges.] Dec. 22. The commons resolved, "That a message be forthwith sent to the lords, to desire them that the lord chief justice Brampston, lord chief baron Davenport, justice Berkley, justice Crawley, baron Trevor, and baron Weston, &c. by themselves and others, put in good security to abide the judgment of parliament; for that there are Informations of Crimes of a high nature against them in this house." Mr Waller to go up with this Message. The Journals of the Lords acquaint us, That when Mr Waller had accused the Judges, as aforesaid, they being all present except the lord chief baron, submitted themselves to the pleasure of the house. And it was ordered, 'That the said Judges, for the present, should enter into recognizances, in open court, at 10,000*l.* each, to abide the censure of parliament.' Which was done accordingly, and the next day sir H. Davenport gave the same security.

* From a collection of this gentleman's speeches, printed by Richard Smethers, 1641.

...ing additional Subsidies voted.] Dec. 23. ...commons having resolved itself into a ...mittee of the whole house, on the Supply, ...was resolved, "That two Subsidies more ...ld be add d to the six Subsidies already ...d upon, to be employed to the same uses, ...to such as this house shall appoint." On ...estion,

... Richard ...e said, 'Mr. ...aker; The principal part of the business is ...ey; and now we are about it, I shall be ...y willing give so much as will not only serve ...turn for the present, but excuse to pro...de that it come not quick upon us again. I ...ieve that the two Subsidies are per annum. We know how much time the business ...th cost us, if we be but hindered by ...thout ...mother, it may cost more than money; for if ...our armies should be driven to extremities ...ssity, (and they will be judges of their own ...ecessity) we shall not be answered here, and ...give more, though we would. Believe it, sir, ...his is the business of all the businesses in the ...house; of all the businesses in the kingdom ...if we stand lacking for a little money we may ...very thriftily lose all we have; this being a ...business of so peremptory and dangerous a ...nature. Wherefore, my humble and earnest ...motion is, That we may dispatch it fully, and ...at once, that there should be an overplus of ...money remaining we can soon resolve how to ...employ it. Four Subsidies will do the work, ...it may be given presently; for every day we ...sit we are not so much masters of our own ...time and occasions, as to do every thing when ...we would: let us do this whilst we may. ...Though I dwell not in the North, yet I dwell ...in England.'

The Abp. of Canterbury's Petition to the L...] The same day a Petition was presented to the lords from the archbishop of Canterbury, in these words:

"That whereas your lordships petitioner, ...when he was to withdraw and leave that honourable assembly, gave offence to your lordships in some thing which passed from him in ...his speech, he is very heartily sorry for the ...same; and most humbly prayeth that your lordships will pass by that passion in offence, ...and that your petitioner by the weight and ...speechlessness of the charge which fell upon ...him. And that your honourable lordships ...would be pleased to grant that your humble petitioner may have some liberty to take the ...air, for his health's sake, under what safe...guard your lordships shall think fit; and this ...regard that his health begins to fail him already, by reason the house where he is ...no place in which he may take any fresh ...air at all."

Whereupon the house ordered, "That the ...archbishop should take the air, for his health's ...sake, in company with Mr. Maxwell, the gen...tleman usher, to any place excepting the ...Spring-Garden, or any belonging to the king's house. But to be suffered to speak with nobody ...at that time out of the presence of the said usher, and he to be answerable for his grace's ...forthcoming."

Information against Dr Piers Bishop of Bath and Wells.] Dec. 24. It was resolved, by the commons, upon the question, 'That, upon several Informations and Complaints to this house made against Dr Wm Piers, bishop of Bath and Wells, of divers heinous crimes, tending to corruption and subversion of religion in that diocese, and other misdemeanours of an high nature, a message shall be sent to the lords assembled in a conference, to take security from himself, and other fit to be forthcoming, and to stand and abide the judgment of parliament. Sir H. Mildmay to go up with this message.' This was done accordingly, and the bishop, by himself and sureties, was bound in 10,000*l.* ...ed to answer this Charge of the commons against him.

Illegations in the Judges Patents.] Jan. 15 ...About the beginning of this month a motion having been made, 'That for the future, this clause, "Quandiu bene gesserint," might be ...ed in the patents of the Judges, instead of "Durante beneplacito;" and a committee having been appointed to wait on the king with this request, the earl marshal and the lord Chamberlain reported this day, That his majesty ...had condescended to the desired alteration for the ...future.

Bill for frequent holding of Parliaments.] Jan 19. A bill was brought in and read, called, 'A bill for preventing inconvenience ...happening by the long intermission of Parliaments;' and, upon the question, ordered to be engrossed. The next day it passed the commons, and was sent up to the lords. In the course of its progress through the commons,

Lord *Digby** addressed the house thus: 'Mr Speaker, I rise not now, with an intent to speak to the frame and structure of this bill, nor much by way of answer to objections that have been made; I hope there will be no occasion for this but that we shall concur, all unanimously, in what concerneth all so universally. Only, sir, by way of preparation, to the end that we may not be diverted in this great work, by difficulties that may appear in the way of it, I shall desire that you may apprehend things in general, of the vast importance and use of the bill we handle through it with it. The result of it seems is, in short, this, That, unless for the frequent convening of parliaments, there be some such course settled as may not be eluded, neither the people can be prosperous and secure, nor the king himself solidly happy. For these are to be the known necessaries that us perfect rights, and all our other desires will effect themselves. If this bill miscarry, I shall have left me no public ...; for, except, I shall be freed of all

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...rom the original edition printed by Tho. ...ley.

From the original edition, printed by Thomas Walkley.

public fears.—The [illegible] sir, of frequent parliaments, to the happiness of this kingdom might be inferred unto you by the reason of contraries, and from the woful experience which former times have had of the mischievous effects of any long intermission of them. But, Mr Speaker, why should we climb higher than the [illegible] horizon, or take recourse beyond the business to any other point, [illegible] memories, may [illegible] the experience of the youngest here? The reflection but [illegible] on the distemperatures of former times upon intermission of parliaments, and the early [illegible] forward, of this [illegible] will draw from the same cause a like removal, thereby lesely gave first the [illegible] to those two ancient statutes of [illegible] of a parliament shall sit [illegible] bleeding experience in the [illegible] series from the [illegible] be paralleled to say, that of [illegible] correction for them? The [illegible] sir, of former [illegible] parliaments, may appear to have [illegible] over-confident [illegible], as, [illegible] wars abroad, [illegible] the [illegible] prince, [illegible] to the [illegible] the king [illegible] Lorraine [illegible] ture, [illegible] itself and [illegible] our so [illegible] since the [illegible] cause, [illegible] tribute them, [illegible] worse, [illegible] the unlucky use, if not [illegible] the dissolving them [illegible] Speaker, a kingdom in a [illegible] quiet and security that [illegible] only enjoying the calm [illegible] improve and secure [illegible] rest of the world at the same [illegible] in combustions, in unending [illegible] into your view, sir, a king, sovereign of three kingdoms, by a concentring of all their [illegible] lines to his person, in [illegible] antichristical ones to Lud[illegible] knowing in his religion, [illegible] king, that hath, in his own [illegible] rights and liberties of his subjects more clear and ample confirmed unto them under only (I mean to the Prince [illegible] his predecessors, [illegible] advantage, essentially. This is [illegible] England, Mr Speaker, [illegible] present unto you, [illegible] groaning under that supreme [illegible] popish pernicious would extinct, the liberty, the property, of the subject [illegible] subverted, punished always, the [illegible] of a pretended necessity; a triple crown shaking with distempers, men of the best conscience [illegible] to fly into the [illegible] religion! Would not one say that these were the antipodes to the other? And yet, as we tell you, Mr. Speaker, [illegible] is a map of England too, and be[illegible] no time but too true.—As it cannot be Mr Speaker there, since the Conquest [illegible] been in this kingdom a fuller peace, a more [illegible] in the forest[illegible] have made a kingdom happy, these [illegible] years past, and almost [illegible] have both not been, in all [illegible] such a prosperity, [illegible] may all the [illegible] of wisdom in the [illegible] to be [illegible] flourishing kingdom [illegible] of civil rule and devotion [illegible] thank God, [illegible] under whom we [illegible] his counsel, his power, by all [illegible] in that [illegible] of all the [illegible] graciousness [illegible] to that [illegible] of Ireland [illegible] to [illegible] [illegible] [illegible] property [illegible] [illegible] of our beside [illegible] Ireland. The branch [illegible] Ship-Money, [illegible] Mr Speaker, that for [illegible] appearance and [illegible] of [illegible] best king's [illegible] [illegible] effected in [illegible] [illegible] [illegible] cause [illegible] [illegible] of parliament [illegible] [illegible] freedom, be against [illegible] way for the freedom [illegible] sir, wrought [illegible] [illegible] rules of [illegible] Parliament the [illegible] [illegible] counsel of ministers [illegible] [illegible] [illegible] that, sir, hath made it [illegible] [illegible] all, among the [illegible] of Athens [illegible] of recourse, in their [illegible] [illegible] and public [illegible] [illegible] drive, Supplicants [illegible] [illegible] malconi deplorant. I doubt [illegible] [illegible] resemble for the common [illegible] [illegible] [illegible] with [illegible] [illegible] our sovereign. I make [illegible] [illegible] will graciously hear [illegible] [illegible] [illegible] our grievances, [illegible] [illegible] that is, remove ill ministers, [illegible] [illegible] their places. No less can be expected from his wisdom and goodness.—But let me tell you, Mr Speaker, if we [illegible] [illegible] [illegible] him, if we [illegible] not ourselves [illegible] that, I mean honorum [illegible] servators, we can have no solid, no [illegible] [illegible] while the rest [illegible] [illegible] [illegible] [illegible] [illegible] our complaints [illegible] [illegible] compassionately [illegible] purge away our [illegible] never [illegible] [illegible] [illegible] [illegible] [illegible]

lators, That whosoever means to ... laws, must proceed in them with ... opinion of all mankind, and suppose ... soever is not wicked, it is not ... opportunity. It is that opposition ... ill, that we must take away, if ever ... to be happy, which can never be done ... the frequency of Parliaments. ... wisely he confident of any public ... continuing good, longer than the ... him. Let me appeal to all those ... present in this house, at the application of ... Petition of Right, and let them tell us truly ... of whose promotion to the management of ... affairs do they think the generality would, ... that time, have had better hopes than of the ... late Mr Noy and Sir Tho. Wentworth, both ... being at that time, and in that business, as I ... have heard, most keen and active patriots, and ... the latter of them, (to the eternal aggravation ... of his infamous treachery to the commonwealth ... be it spoken) the first mover and inserter to ... have this clause added to the Petition of Right, ... 'That, for the comfort and safety of his loyal ... subjects, he would be pleased to declare ... his will and pleasure, that all his ministers ... should serve him according to the laws and ... statutes of the realm.' (See p. 377.) And ... yet, Mr Speaker, to whom may we call the ... violations upon our liberties, under pretence ... of law, and the late shipwreck, at once, of all ... our properties, be attributed more than to Noy ... and those, and all other arts whereby this ... monarchy hath been brought almost to the ... brink of destruction, so much as to ... is to that ... and a postate to the communion of the ... lieutenant of Ireland? The first I hope God ... hath forgiven in the other world: but this latter ... must not hope to be pardoned in this till he ... be dispatched to the other. Let every man ... consider those men ... excellent laws for the security ... connected immediately to ... employment, in the continuance ... ches were principal actors ... virtue of the king they ... and let the ... h and public oppressions that, in this time, ... they have wrought, and feel there is no ... it will conclude with me, that, in the absence ... of parliaments both here ... sarum of all the unsolicited ... present times, so the frequent ... sole cathedral antidote that ... are the future from the like. — Mr Speaker, ... me yet draw my discourse ... majesty himself, and tell ... cency of parliaments ... necessary to the power, the security, ... the king. There are two ways, Mr Speaker, ... of overall rule, either by fear, or love: but ... ne of happy and safe rule, that is, by ... , that 'Firmissimum imperium quod obedientium ... gaudent' to this Camillus also of the ... Romans. Let a prince consider what it is that ... loves a people, principally, to affection and ... dear towards their sovereign, he shall see ... that there needs no other armour in it than to ...

... Bill for preventing the Illegal ... let them enjoy ... unmolested ... unto them of right ... and violated in any kind. ... an abhorrence ... prince, that would be happy ... due to which end ... by Restoring them to their ... Parliaments, that the ... could ... ...

thaking, Mr Speaker. But how? In the king circled in, fortified and overtvasted by, his parliament. The king, out of parliament, hath a limited, a circumscribed jurisdiction but, waited on by his parliament, no monarch of the East is so absolute in dispelling grievances. Mr Speaker, in chasing all mists, we do but dissipate clouds that may gather again; but, in voting this bill, we shall contribute, as much as in us lies, to the perpetuating our sun, our sovereign, in his vertical, in his noon-day, lustre'

Jan. 20 The votes of the commons, concerning Ship-Money, were sent up to the lords, by Mr. St John, who made a learned speech on that occasion Afterwards the lords proceeded to vote the illegality of it, which they did in the same manner as the commons, Dec 7, nem con

Four Members expelled for being Monopolists.] Jan 21. The commons expelled 4 of their members, Mr. Wm Samlys, sir John Jacob, Mr. Tho Webb, and Mr Edm Windham, for being Monopolists, according to a former order of this house See 1. 651

A Sum voted for the Relief of the Scots.] Jan 22 In a grand committee of the whole house, after long and serious debate, they came to this Resolution, 'That this house thinks fit that a friendly Assistance and Relief shall be given towards the Supply of the Losses and Necessities of the Scots, and that, in due time, this house will take notice of the measure and manner of it.' Upon this occasion,

Sir *John Wray* delivered himself to this purport 'Mr Speaker; There is no malady more destructive to the natural or politic body, than the Morbus cadicus, or falling-sickness, nor is there any physick or compound more to be esteemed than that which can cure it in either Mr. Speaker, this unknown remedy, if we be wise to apply it, and take the receipt with all the ingredients, without any scruple of distaste, I am confident the recovery will be perfect, and the whole body of Great Britain safe and sound Mr Speaker, the happy Union of Scotland and England hath this long ever since, flourished in interchangeable blessings of plenty, and mutual love and friendship but of late, by what fatal disasters and dark undermainings we are divided, and severed in to Scots and English armies, let their self-composed grumbles speak for me, which I wish were painted as an excellent emblem of brotherly love, that discovers who hath wounded us both, and how each should strive to help the other in distress; seeing their and our religion and laws live both at stake together Think of it what you will, noble senate their subsistance is ours; we live or die, rise or fall together. Let us then find out the Boutefeu of this prelatical war, and make them to pay the shot for their labour; who, no doubt, long for nothing more than that we should break with them, who worship but one God, and serve but one with us nor need we fear that they dispossess the Lords of their inheritance, free old, from, rents withdraw upon reasonable terms, referring their demands of reparation for losses, to the justice and courtesy of this house, which I assure will give both a bountiful, chearful, and supplie in this case not necessary, for, I hope quit right, is the best motto, or this time'

Sir *Benj Rudyard* made the following speech upon the same occasion.—[1] Mr. Speaker will be many ways thankfully to acknowledge prudent and painful endeavours of my noble peers commissioners, in treating with Scots and in modering with the King's Majesty, God assisting, we are now probably entering in to a blessed peace. His majesty of his princely and goodness, is graciously pleased to give his royal assent to their acts of parliament, wherein the liberties of their assembly are likewise included, insomuch as their religion, their laws, their liberties, are ratified and established, besides their Grievances redressed and redressed, for which we use to give the king money, unto are still ready to do it. Thus, although it be a large, yet it is not received a full satisfaction Besides, when they came into England, they published in a Remonstrance, 'That they would take nothing of the English, but what they would pay for, or give security' we have delayed them hitherto, and have provided to do it longer They may remember, that we assisted them in the time of their reformation, and it is not to be forgotten, that we did bear our own charges Concerning mutual restitution of ships and goods, my lords the commissioners have fairly and directly in commended that particular to us. As for intercourse and consequential damages, such as represent not but administer unacceptable matter of difference and contribution, which, amongst friends, ought to be waived and wisely avoided. We could mingle, and truly too, that Northumberland, Northbishoprick, and Bishoprick, not recover their former state these 20 We have had and spoken here in the house by an understanding knowing member in this particular, That the coal mines at Newcastle will not be set right again for 100,000*l.* besides the over price of coals, which all the while hath and will cost this city, and other parts the kingdom. A great deal more of this nature might be rehearsed, but I delight not to press such tenter-stretched arguments: let us on both sides, rather think God, by proceeding in the way he hath laid before us, and why his way to ours time and his blessing will pair all our implicit damages, with many perous explicit advantages. They say, they do not make any formal demand, but they do make a sum to appear, 514,000*l.* which is more than ever we gave the king at once. A portentous apparition, which shews itself in a very dry time. When the king's re-

[1] From the original Edition, printed by Francis Coules, 1642

totally exhausted, his debts excessively multiplied, the kingdom generally impoverished by grievous burthens and disordered courses? If this supply is to be drawn out of it only, without the least help from any of his Majesty's other dominions, which to my seeming, will be an utter draining of the people, unless England be put to extraordinaries, as the Popes were wont to call it.—Notwithstanding, sir, now what I have in part opened the state we are in, though in nothing so exactly as they have done theirs, I shall most willingly and heartily afford the Scots whatsoever is just, equitable, and honourable, even to a convenient, considerable, round sum of money, towards their losses and expences, that we may part with a friendly and handsome loss: if they refuse it, we shall improve our cause. It was never yet thought, Mr. Speaker, any great wisdom, over much to trust a successful sword. A man that walks upon a rising ground, the further he goes, the larger is his prospect, so our enlarged men's desires, extends their ambition, it breeds thoughts in them they never thought before, this is natural and usual. But the Scots being truly touched with religion, according to their profession, that only is able to make them keep their word, for religion is strong and wise human reason, or even reason itself.—Beyond this, Mr. Speaker, the remarkable traces of God's wonderful Providence in this strange work, are so many, so apparent, as I cannot but hope, almost to behold, that the same all-gracious merciful hand, will conduct and lead to a happy conclusion; will contract a closer, firmer union between the two nations, than any meer human policy could ever have effected, with inestimable benefits to both; in advancing the truth of religion, in exalting the greatness of the king; in securing the peace of his kingdoms, against all malicious, envious, ambitious opposites to religion, to the king, to his kingdoms, wherein I presume, all our desires and prayers do meet."

On the 3rd of Feb the Affair of the Scots was again taken into consideration, by a committee of the whole house, and it was resolved, on the question, "That this house doth conceive that the sum of 300 000*l.* is a fit proportion for the friendly Assistance and Relief formerly thought proper to be given towards the supply of the Losses and Necessities of our brethren of Scotland; and that this house will, in due time, take into consideration the manner how, and the time when, the same shall be raised."

The Scots Commissioners return Thanks.] The next day this Resolution of the commons was made known to the lords, at a conference, and 3 days after, we find an Answer of the Scots commissioners entered in the Lords' Journals, by way of returning their thanks for this extraordinary bounty; which we give in its own words.—"We intreat your lordships, whose endeavours God hath blessed in this great work, to make known to the parliament, that we do no less desire to shew our thankfulness for their friendly assistance and relief, than we have been earnest in demanding the same. But the thankfulness which we conceive to be due, do not consist in our affections or words only, but in the mutual kindness and real declaration to be expected from the whole kingdom of Scotland, in all times to come: and that, not only for the measure and proportion which the parliament hath conceived to be fit, and which, to begin our thankfulness now, we do, in the name of the whole kingdom, cheerfully accept of; but also for the kind and Christian manner of granting it unto us, as to their Brethren, which addeth a weight above many thousands, and cannot be compensated, but by paying the reciprocal love and duty of Brethren, and for the Relation, Time under, in due time, for raising the same for our relief, which also maketh the benefit to be double. This makes us confident that God, whose working at this time hath been wonderful, hath decreed the peace and amity of the kingdoms, and will remove all rubbish out of the way, that our enemies at home or abroad may not have matter to divide us, when they see that God hath joined us in such a fraternity, and that Divine Providence will plentifully recompence unto the kingdoms of England the just and kind indignation, and unto Scotland all the inconveniences which shall, by these and other means amongst ourselves, be repaired by the rich and sweet blessing of the purity and power of the gospel, attended with the effects of a happy and durable peace, under his most gracious and prosperous reign, and of his royal posterity to all generations." Dated Feb 5, 1640.

A Conference concerning the King's reprieving a Condemned Seminary Priest.] June 23. The commons sent up to desire a conference with the lords, which being agreed to, a report of it was made in the upper house, by the lord privy seal to this effect.—"That Mr Glyne had acquainted them with the commons sending to the city of London, to advance money for his majesty's service, and that of the commonwealth, answer was returned, That there was a general discontent amongst the citizens, for the reprieval of one Goodman, a seminary priest, lately condemned for high treason, who had been formerly so for the same offence, and banished this kingdom. By which they found that there was a great connivance at Jesuits and Priests through the kingdom, to the great disheartening of the people in this time of parliament, when they expect a thorough reformation. The commons, therefore, desire their lordships assistance to discover such instruments as have dared to intermeddle for the interruption of public justice against such offenders, &c." The lords thought proper to acquaint the king with this message from the commons, and appointed the lord privy seal and the earl marshal to deliver it.

The King's Speech relating to the Distractions in the Government.] This day, the king [illegible] commanded both houses to come be-

[illegible], his majesty spoke to [illegible]

[illegible] lords and gentlemen. A principal cause of my speaking to you now, is, that I foresee the great inconveniences that may daily arise by the slow pace of this parliament, in those businesses that most import the welfare of this kingdom: therefore I hold it necessary, at this time to lay, shortly before you, the State of Affairs as they now stand, thereby to quicken, but not to interrupt, your proceedings.—And first, I must remember you, that there are two armies in the very bosom of this kingdom, and, in effect, as it cannot be otherwise, maintained by you. The very naming of which doth more lively represent the mischievous inconveniences thereof, than a better tongue than mine, in particular, can declare. Therefore I must, in the first place, recommend to your care the quick dispatch of this business, assuring you the delay thereof shall no ways be occasioned by me. In the next place, I must recommend to your care my Navy and Forts; the condition of both are so well known, as to need no mention in particulars: only thus much, when the walls and defences of this kingdom are weak and out of order, I leave all men to judge what disheartening it will give to our friends, and what encouragement to our enemies. Last of all, though not least of all to be considered, I must lay before you the present Distractions of Government, occasioned, partly, because of the parliament, though not by it. For some men taking occasion, by the sitting thereof, more maliciously than ignorantly, will put no difference between reformation and alteration of government. Hence it comes that divine service is irreverently interrupted, petitions tumultuously given, and much of my revenue detained or disputed.—More particulars I will not mention, because I will hasten to put you in a way of remedy, which I will do, first, by shewing you my clear intentions, then by warning you to eschew those rocks that may hinder this good work. First then, know that I shall readily join with you to root out and reform all innovations in church and commonwealth, and, consequently, that all courts of justice shall be regulated according to law; my intention being to reduce all matters of Religion and Government, to what they were in the purest times of queen Elizabeth. Moreover, what parts of my Revenue that shall be found illegal, or grievous to the public, I shall willingly lay down, relying entirely on the affections of my people.—Having thus clearly shewn you mine intentions, I will now tell you what you are to eschew; to which purpose I cannot but take notice of those Petitions (I can't tell how to call them) given in the name of several counties, against the present established government of the church, and of the great threats that are given, That bishops shall be no better than cyphers, if not clear done away. —Now I must tell you, that I make a great difference between a reformation and alteration of government; though I am for the first, I cannot give way to the latter. I will not [illegible] that bishops may not have over-stretched their power, or encroached upon the temporal; which, if you find, correct and reform the abuse, according to the wisdom of former times: and so far I am with you. Nay farther, if, upon serious debate, you shall shew me that bishops have some temporal authority, inconvenient to the state, and not so necessary to the church, for the support of episcopacy I shall not be unwilling to persuade them to lay it down. Yet, by this, you must understand, that I cannot consent for the taking off the voice in parliament, which they have anciently enjoyed under so many of my predecessors, even before the Conquest, and ever since, and which, I conceive, I am bound to maintain, as one of the fundamental institutions of this kingdom.—There is but one other rock, and that not in substance, but in form; yet that form is so essential, that, except it be reformed, it will mar the substance. There is a Bill given in for frequent Parliaments, the things I like, that is to say, to have often parliaments, but I give power to sheriffs and constables, and I know not whom, to do my office, that I cannot yield unto. But to shew you that I am desirous to please you in forms, which destroy not the substance, I am content you shall have an act for this purpose, but so reformed, that it neither intrench upon my honour, nor that inseparable right of the crown concerning parliaments to which purpose I have commanded my learned counsel to wait on you, my lords, with such propositions as I hope will give contentment, for I ingenuously confess, that frequent parliaments are the best means to preserve that right understanding between me and my subjects, which I so earnestly desire.—To conclude all; I have now shewed you the State of Affairs, my own clear Intentions, and the Rocks I wish you to eschew. In all which you may perceive the desire I have to give you contentment; as you shall likewise find by those ministers I have, and intend to employ in my affairs, for the pursuance of my good intentions, which, I doubt not, will bring peace and happiness to my subjects, to the contentment of us all. I have no more to say at present."

A Remonstrance from both Houses concerning Seminary Priests, &c.] The commons being withdrawn, the king spoke a few words to the lords, to tell them, "That he heard of a conference to be that afternoon, about the business of Goodman the priest; and that, in a day or two, he would send them the reasons for what he had done in that matter, which he hoped would satisfy them."

But this not contenting the commons, they agreed to address the lords to join with them in a Petition to the king; and, on the 29th of this month, a Remonstrance of both houses was presented to the king by the lord keeper, to the following effect: "They recite the laws relating to Jesuits and Seminary Priests, and

insist upon the necessity of their being put in execution at this time, and particularly, because it appears to the commons, by proof, that of late years, about the city of London, 80 Priests and Jesuits have been discharged out of prison, many of them having been indicted of high treason, that they are credibly informed that, at this present, the Pope hath a Nuncio, or agent, resident at London, and they have just cause to believe the same to be true: that the Papists do publickly and with much confidence and impudency resort to mass at Denmark-house, St. James's and the ambassadors chapels, as others do to the parish churches: that they conceive the not putting of these statutes in execution against Priests and Jesuits, is principal cause of the increase of Popery. Therefore they humbly desire, that a speedy course may be taken for the due execution of the laws against Priests and Jesuits, that all mischiefs, before mentioned, may be timely remedied by his majesty's great wisdom: and, lastly, that Goodman, the priest, may suffer the justice of the law."

The King's Answer.] Feb. 5. The king sent the following answer: "My lords and gentlemen; Having taken into my serious consideration the late Remonstrance, made unto me by the houses of parliament, I give you this Answer, That I take in good part your care of the true religion established in this kingdom, from which I will never depart; and also for your tenderness of my safety, and security of this state and government. It is against my mind that Popery or Superstition should any way increase within this kingdom, and I will restrain the same, by calling the laws to be put in execution.—I am resolved upon a Proclamation with all speed, commanding them to depart the kingdom within one month, which if they fail, or shall return, they shall be proceeded against according to the laws. Concerning that, I give you to understand, that the queen hath always assured me, that, to her knowledge, he hath no commission, but only to exercise personal correspondence between her and the Pope, in things resembling her profession of her religion, which is warranted her by the articles of the marriage, which have her a full liberty of conscience, yet I have persuaded her, that since the misunderstanding of this person's condition, she will, within a convenient time remove him. Moreover, I will take a special care to restrain my subjects from resorting to mass at Denmark-House, St. James's, and the chapels of ambassadors. Lastly, concerning John Goodman, the priest, I will let you know the reason why I reprieved him. I am informed, neither queen Elizabeth, nor my father, did ever avow, that any priest in their times was executed merely for religion; which seems to me to be his particular case, yet, seeing I am pressed by both houses, to give way to his, and because I will avoid the inconvenience of giving

* The Queen [illegible] made from the [illegible] this purpose [illegible] names of the [illegible] Rushworth, Vol. II. p. 166.

ploy her whole power to unite the king and people, desireth the parliament to look forwards, and pass by such mistakes and errors of her servants, as may be formerly committed, and this their respect, she promiseth, shall be repaid with all the good offices she can do to the house, which they shall find with real effects, as often as there shall be occasion."

The Journals inform us, That this message being read in the house, Mr. Comptroller was desired to return their humble thanks to her majesty, for her gracious expressions therein.

Goodman, the Priest's Petition to be executed, for Peace Sake.] Before we dismiss the affair of John Goodman the priest, we shall here insert a remarkable letter of this man's to the king, as it is entered in the Lords Journals, when the king's Answer to the Remonstrance was reported to that house, and which, we suppose, occasioned his maj. to refer his punishment to the will of both houses, rather than have any hand in it himself: but we cannot learn whether this priest was executed or not.

"To the King's most excellent majesty:
The PETITION of JOHN GOODMAN,
condemned,

"Humbly sheweth, That whereas your majesty's petitioner hath understood of a great discontent, in many of your majesty's subjects, at the gracious mercy your maj was freely pleased to shew unto your petitioner, by suspending the execution of the sentence of death, pronounced against your petitioner, for being a Roman priest: these are humbly to beseech your maj rather to remit your petitioner to their mercies that are discontented, than to let him live the subject of so great a discontent in your people against you: maj For it hath pleased God to give me grace to desire with the prophet, 'That if this storm be raised for me, I may be cast into the sea, that others may avoid the tempest.' This, most sacred sovereign, the Petition of him, that should esteem his blood well shed, to cement the breach between your maj and your subjects, on this occasion. Its tenor, "JOHN GOODMAN."

The King's Speech to the Lords about the Marriage of the Lady Mary with the Prince of Orange.] Feb. 10 This day the king came to the house of lords; the business he came upon was expressed in a short speech, as follows.

"My lords, That freedom and confidence which I expressed, at the beginning of this parliament, to have of your love and fidelity towards my person and estate, hath made me at this time come hither to acquaint you with that alliance and confederacy which I intend to make with the prince of Orange and the United Provinces; which, before this time, I did not think expedient to do, because that part, which I do desire your advice and assistance upon, was not ready to be treated on. I will not trouble you with a long digression, by shewing you the steps of this Treaty; but leave you to be satisfied in that by those who, under me, do manage that affair: only I shall shew you the reasons which have induced me to it, and in which I expect your resolution and counsel. The considerations that have induced me to it are these: 1st. The interest of Religion here needs no dispensation: I fear that my daughter's conscience may be the way perverted. 2ndly. I do esteem that a firm alliance and confederacy with the States will be as useful to this kingdom, as that with any of my neighbours; especially considering the affinity, neighbourhood, and way of trade. And, lastly, which I must never forget on these occasions, the use I may make of this Alliance towards the re-establishing of my sister and my nephews. Now, to shew in what I desire your assistance; you must know that the Articles of Marriage are in a manner concluded, but not to be totally ratified until that of Alliance be ended and agreed; which, before I demanded your assistance, I did not think fit to enter upon. And that I may not leave you too much at large how to begin in council, I present you here the Propositions which are offered by me to the States' Ambassadors for that intent. And so, my lords, I shall only desire you to make as much expedition to your counsels, as so great a business shall require, and shall leave your lordships to your own free debate."

This proposition was well approved of by the whole nation; and, soon after, the Marriage was concluded with great solemnity.

The King's Speech on giving the royal Assent to the Bill for Triennial Parliaments.] Many conferences were held this month, between the lords and commons, about settling the bill "For preventing Inconveniences, which happen by the long Intermission of Parliaments;" on the 15th it was finally concluded, and ready for the royal assent. The commons, however, seemed to be jealous that the king would not pass it; for, that same day, they sent a message to the lords, by sir Francis Seymour, to acquaint their lordships, That they had deputed some of their members to attend his majesty and desire that the royal assent may be given to the bill of Subsidies that afternoon: and that their lordships may be pleased to depute some lords to move his majesty, that the bill for Triennial Parliaments may pass at the same time, which the lords agreed to, and received for Answer, 'That his majesty will take that afternoon to consider of this request, in regard of the late warning of it at this time; and will return an Answer in the morning.' Accordingly,

Feb. 16. The king came to the house of lords, and being seated on his throne, the lords in their robes, and the commons, with their Speaker, attending, the title of the bill for Triennial Parliaments was read; on which his majesty made the following speech to both houses:

"My lords, and you the knights, citizens and burgesses of the house of commons, You may remember, when both houses were with

at the Banquetting-House at Whitehall, I declare unto you two rocks I wished you to shun. This is one of them, and of that consequence, that I think never bill passed here, in this house, of more favour to the subjects than this is, and if the other rock be as happily passed over as this shall be at this time, I do not know for what you can ask, for ought I can see, at this time, that I can make any question to yield unto. therefore I mention this, to shew unto you the sense that I have of this bill; and the obligation, as I may say, that you have to me for it. hitherto, to speak freely, I have had no great encouragement to do it. and if I should look to the outward pace of your actions and proceedings, and not look to the inward intentions of your hearts, I might make a question of it. Hitherto, you have gone on in that which concerns yourselves to amend; and not those things that nearly concern the strength of this kingdom, neither for the state, nor for my own particular. This I mention, not to reproach you, but to shew you the state of things as they are. You have taken the government almost in pieces, and, I may say, it is almost off the hinges. A skilful watchmaker, to make clean his watch, will take it asunder; and, when it is put together, it will go the better, so that he leave not out one pin of it. Now, as I have done all this on my part, you know what to do on yours. and, I hope, you shall see clearly, that I have performed really what I expressed to you, at the beginning of this parliament, of the great trust I have of your affections to me: and this is the greatest expression of trust, that, before you do any thing for me, I do put such a confidence in you."

After this speech was ended, the clerk of the parliament read the king's royal assent to the aforesaid bill, in these words: 'Le Roy le veut.' Next, the Speaker of the house of commons, in a short speech, presented a bill, intitled, 'An Act for Relief of his Majesty's [illegible], and the Northern Parts of this Kingdom,' [illegible] ning a grant of 4 entire Subsidies, humbly beseeching his majesty to accept thereof. The clerk then read the royal assent to the said bill, in these words: 'Le Roy remercient ses loiall subjects, accepte leur Benevolence, et ainsi le veut.'

Both Houses return Thanks to the King for passing the Triennial Bill.] The commons being returned to their house, a message was brought from the lords by the lord chief justice of the Common Pleas, (sir John Banks,) and Mr justice Heath, 'That their lordships were full of joy, for his majesty's gracious Answer to the bill of the Triennial Parliaments, and they do intend to wait upon him may to know when he will please to give them leave to express their most humble thanks: and they desire that this house would join with them in it, and that their lordships will likewise intimate unto his maj. that there may be ringing of bells, and bonfires throughout the whole city.' Answer was returned by the three messengers, 'That this house hath taken into consideration their lordships message, and do receive it with much joy; and will be in readiness of the same business, just as the message was sent, and will be ready to join with their lordships, as is desired, at such time and place as shall be appointed.' Soon after another message was brought by the same Judges, 'That the lords, that attended his majesty, are returned with this answer: the lords house 'That his maj. is pleased this both houses shall attend him this afternoon, between 2 and 3 o'clock, at the Banquetting-House at Whitehall.' They conceive that which is to be spoken is to be said by the lord keeper, in the name of both houses, and, for that purpose, have conceived a form, but leave it to this house to make such alteration as they shall think fit.'

The lord chief justice having read the same, the commons agreed to the form proposed. And, accordingly both houses attended the king in the Banquetting-house, when the lord keeper, Littleton, in their names, returned thanks to his majesty to this verbatim:

"May it please your majesty I am to give your most humble and hearty thanks, in the name of both houses of parliament and this whole kingdom, for the speedy and gracious royal assent unto the bill entitled, 'An Act for preventing of Inconveniences happening by the long Intermission of Parliaments;' which, as it is of [illegible] ing great comfort and security for all your subjects for the present, so they are confident, it will be of infinite honour and settlement for your majesty's royal crown and dignity, as well as comfort to their posterity."

Abstract of the Triennial Bill.] As we have made it a rule, in the course of this work, to take notice of the most remarkable laws passed in every parliament, we shall give a view of this most extraordinary act; especially as it was repealed in the 16th year of this king's eldest son and successor; and is therefore not to be found in the Statutes at Large.* The preamble runs thus: "Whereas, by the laws and statutes of this realm, a parliament ought to be holden at least once every year, for the redress of grievances, but the appointment of the time and place for the holding thereof hath always belonged, as it ought, to his majesty and his royal progenitors and whereas it is, by experience, found, that the not holding of parliaments accordingly, hath produced sundry and great mischiefs and inconveniences to the king's majesty, the church and commonwealth; for the prevention of like mischiefs and inconveniencies as time to come, be it enacted, That the said laws and statutes shall be henceforth duly observed that if a Parliament be not summoned and assembled before the 3rd

* It is printed at large in Rushworth's Collections, Vol. IV. p. 189; and in Scobell's Collection of Acts and Ordinances, an. 16, Car. I. cap. I.

[illegible] year, then a parliament [illegible] be held on the 2nd Monday [illegible] of the lord chancellor shall [illegible] writs, pursuant to the [illegible] then the peers of the realm [illegible] that place, at the old palace [illegible], and they, or any 12, or more [illegible] in the king's name that [illegible] to the peers, the sheriffs, [illegible] returns and [illegible] to be made [illegible] knights, the freeholders, citizens and burgesses shall proceed to the election of knights, citizens and burgesses, in such [illegible] as it writs of summons had been duly issued. That no Parliament, henceforth to be assembled, shall be dissolved or prorogued within 50 days after the time appointed for their meeting, nor adjourned within fifty days after their meeting, but by consent of either house respectively, who may appoint each their own Speaker." Besides the above clauses, there were many provisoes for the effectual putting this act in execution, and penalties on the respective offenders: and that none might plead ignorance, it was ordered to be read, yearly, at the sessions and assizes.*

Sir Simonds D'Ewes's Speech concerning the Precedency of the two Universities.] We meet with a speech of sir Simonds D'Ewes, occasioned by the afore-mentioned Bill for 4 Subsidies, but the day is not mentioned. The Editor thereof gives us the following account of it:† "This bill, for relief of the king's army, having been drawn by a committee, Cambridge was placed before Oxford; whereupon it was ordered to be disputed and debated in a grand committee; and when it came to that clause, where Cambridge was placed before Oxford, many of the house that had been Oxford men, cried to have Oxford placed first, but the Cambridge men cried, that the bill should stand as it was; and thereupon the Oxford men called to have it put to the question; and divers Cambridge men called upon sir Simonds D'Ewes, being then present at the committee, which drew him to speak as followeth."

Sir *Simonds D'Ewes*: "I stand up to persuade, if it may be, the declining of the present question, and the further dispute of this business. We had a long debate, lately, about the placing Cambridge before Oxford, in a bill. I account it no honour to C[illegible] that it got the precedence by voices in former committee; nor will it be any [illegible] Oxford to gain it by voices here, where [illegible] know the multitude of borough towns in western parts of England, which do not many worthy members hither, as (if we assured things by number, and not by w[illegible] Cambridge is sure to lose it. I would pound a more noble way for deciding the sent controversy than by question; in w[illegible] it the university of Oxford, which I do respect and honour, shall obtain the p[illegible] will be far more glory to it, than to [illegible] by multitude of voices. Let us therefore [illegible] pute it by reason, and not make an [illegible] either place, and if I shall be so convinc[illegible] shall readily change my voice, wishing [illegible] find the same ingenuity in the Oxford[illegible] There are two principal respects, in [illegible] these famous universities may claim precedency of each other. 1. In respect of their [illegible] as they were places of note in the elder[illegible] 2. As they were ancient nurseries, and [illegible] plots of learning. If I do not therefore [illegible] that Cambridge was a renowned city, at [illegible] 500 years before there was a house in Oxford standing, and whilst brute beasts fed, and each was sown on that place where that city is [illegible] seated, and that Cambridge was a nursery of learning before Oxford was known to have a grammar-school in it, I will yield up the buckl[illegible]rs. If I should spend time to reckon up the vain allegations produced for the antiquity of Oxford, by Tawic, and of Cambridge, Caius, I should but repeat the dreams of the authors, for I account the most they have published in print to be no better. But I find, by authority without exception, that in the ancient Catalogue of the British Cities, Cambridge is the ninth in number, where London itself is but the eleventh; and who would have thought that Oxford would have contended for precedency with Cambridge, which London gave it 1200 years since? This I find in Gildas Albanius's British Story, who died about the year 520, being the most ancient domestic monument we have, p. 40. And a Saxon anonymous story, written in Latin, touching the Britons and Saxons, p. 39, who saith of himself, That he lived in the day days of Penda, king of the Mercians, in the 10th year of his reign, and that he knew him well; which falls out to be near upon the year 620. And, lastly, I find the same Catalogue of the said British Cities with some little variation, to be set down in Nennius's Latin story of Britain, p. 58: and he wrote the same, as he says himself, in 858. They all call it Caer-grant: the word Caer, in the old Celtique tongue, signifying City. These three stories are exotic and rare monuments, remaining yet only in antient manuscripts amongst us, not known to many; the authority of them is irrefragable, and without exception. The best and most antient copies, that I have seen, of Gildas Al[illegible]

* The preamble for repealing this act runs thus: "Whereas an Act made in the parliament begun at Westminster the 3rd day of Nov. in the 13th year of the reign of our late sovereign lord king Charles of blessed memory, entitled, 'An Act for preventing of Inconveniences happening by the long Intermission of Parliaments,' is in derogation of his majesty's [illegible] rights and prerogative inherent to the imperial crown of this realm, for the calling and assembling of parliaments; and may be an occasion of unfolded mischiefs and inconveniences, and much endanger the peace and safety of his majesty, and all his liege people of this realm: be it therefore enacted," &c.

† Printed for John Thomas, London, 1641.

and Neuantium in the univ[illegible] of Cambridge; those I have [illegible] the Saxon synonious in a h[illegible] where as Parliament is not only expounded by Alfred Beverly, to signify Cambridge, but also William de Ramsay, abbat of Croyland, in his manuscript story of the Life of Guthlac, (ignorantly, in those elder days, reputs anti) goes yet further, and says it was so called a granta flumine. This place still retains city of fame and repute, a long time, for the reign of the English Saxons, recalled, in many of the old Saxon manuscripts, Grantecester; and, notwithstanding great devastations it suffered with other p[illegible], by the Danish incursions, yet, in the first line of the book of Domnesday, (for now I come to the records) it appears to have had place of considerable moment, having in it ten custodiums, and a castle of great strength and extent. And so I have done with Cambridge as a renowned place. And now I go to speak of it as it hath been a nursery of learning: but I will not begin higher with him than the time of the learned Saxon monk king Alfred; because, I suppose, no small question or gainsay but that there are sent testimonies of certain persons that dogether, in Cambridge, study the arts ancientes much about that time: and it grew famous for learning about the time of Will the Norman, that he sent his youngest sonne thither, to be there instructed; who as afterwards king of England, by the name of Hen. I. and was surnamed Beauclecke espect of his great and uncommon learning. If I should undertake to alledge and quote the records, and other monuments of authority, which assert and prove its increase flourishing estate in the succeeding ages should spend more time than our weightyaffairs at this time will permit. It shall here suffice to add, that the most ancient and endowed college of England, who that caVolence in Cambridge; which, by after tinulation thereof, as appears by one of our ament-Rolls, (Rot Parl. anno 28 Hen 6.n 31.) remaining upon record in the Tower London, received the name of Pembroke-h—It appearing therefore so evidently, b that I have said, that Cambridge is, all respects, the elder sister, which I spoke to derogate from Oxford; my humble de therefore is, That we lay aside the pit question, as well to avoid division amt ourselves, as to entomb all further emon between the two sisters, and that we suffe present bill to pass as it is now penned the rather, because Oxford had the prence in the last bill of this nature that pe this house.'

This det oot being taken notice of in the Journahd the title only, but not the act itself, b printed in Scobel's Collections and the Stw at Large, it does not appear which of thiversities had the precedence in this bill.

Judge Berkley accused of High Treason.] Feb 11. It was resolved, upon the question, 'That sir Robert Berkley, knt. one of the Judges of the King's Bench, shall be accused by this house of High Treason, and other great misdemeanors, and that sir John Colepeper be appointed to go to the lords, and desire that he may be forthwith committed; and that this house will shortly exhibit particular Articles against him.' In consequence of this, judge Berkley was taken off the bench, in Westminster-Hall, by the usher of the black rod, and committed: which struck a great terror in the rest of his brethren, then sitting, and on all of his profession.

Feb. 26. The commons exhibited, at a conference of both houses, their Charge against Dr Wm. Laud, ship of Canterbury: but the Articles themselves, and Mr. Pym's speech on the delivery of them, being both printed in the Trial at large, in the single Folio edition, and in th State Trials, are unnecessary here; especially when it is considered that the bulk of it is by far too copious for this design.

March 1. This day is principally taken notice of, on account of an extraordinary division of the house; both from the number of members then attending, and the equality of their voices. One Dr Cheffin had been sent for as a delinquent, by the serjeant at arms, for speaking of indiscreet words in a Sermon, preached by him in the cathedral church of Salisbury, at a metropolitical visitation held there; which words did admit of such an interpretation as reflects, in an ill and scandalous sense, upon parliaments. The words were these, which he also added to the Litany, 'From all Law-Puritans, and all Lay-Parliament-men, good Lord deliver me.' The question being put, Whether, for these words, Dr. Cheffin should be committed prisoner to the Tower? The house divided, and it was carried in the negative, 190 against 189, to all 379; a greater division than any we have met with during this parl. It was ordered, however, That the doctor should be called to the bar, and receive a sharp reprehension and admonition, and make a public explanation of his words, in the cathedral of Salisbury, on some Lord's day, within some convenient time afterwards.

March 3. Lord *Andover*[a] made the following speech concerning the Star Chamber, in the house of lords.—'My lords; Since your lordships have already looked so far into the privileges of the peers, as to make a strict inquisition into Foreign Honours[†] let us not destroy that among ourselves, which we desire

[a] Eldest son of the earl of Berkshire. He was chosen for the city of Oxford, in this parliament; but called up to the house of lords, by writ, the 13th of November, 1640. Journ. Proc.

[†] See the petition against the advancing English Gentlemen to be Peers of Scotland and Ireland, p. 430.

to preserve from strangers. And if this grievance I shall move against, have slept till now, it is very considerable, let custom make it every day more apparent than others. Your lordships very well know, there was a statute framed 3 Hen 7. authorizing the chancellor, treasurer, and privy-seal, and the two chief justices, calling to them one bishop, and a temporal lord of the king's council to receive complaints upon bill or information, and cite such parties to appear as stand accused of any misdemeanor; and this was the infancy of the Star-Chamber. but afterwards the Star-Chamber was, by cardinal Woolsey, in Henri 8th's time, raised to man's estate; from whence, being now altogether unlimited, it is grown a monster; and will hourly produce worse effects, unless it be reduced by that hand which laid the foundation; for this statutes, that are ratified by parliament, admit of no other way of repeal Therefore I offer humbly unto your lordships these ensuing reasons, why this statute of Henry 7th should be repealed 1. The very words of the statute clearly shew that it was a needless institution; for it says, They who are to judge, can proceed with no delinquent otherwise than if he were convicted of the same crime by due process of law And do your lordships hold this a rational court that sends us to the law, and calls us back from it again? 2. Divers judicatories confound one another, 'et in pessima republica plurime sunt leges.' And this reason is from circumstance, or rather a consuetudine; of which there are many examples both domestic and foreign; but more particularly the parliaments of France, abbreviated into a standing committee by Philip the Long; and continued, according to his institution, until Lewis 11th came to the crown, who, being a subtil prince, burned the volume in the aptrome: for, to this day, whenever the three estates are called, either at the death of the old king, or to crown the new, it is a common proverb, 'Allons voir feu les etats' My lords, arbitrary judgments destroy the common laws, and, in them, the two great charters of the kingdom; which, being once lost, we have nothing left of liberty but the name. Then the last reason is, though it was the first cause of my standing up, the great eclipse it hath ever been to the whole nobility for who are so frequently vexed there as peers and noblemen: and notwithstanding their appeal to this assembly is ever good, whilst that famous law of 4 Edw. 3. remains in force, for the holding of a parliament once a year, or more, if occasion require; yet who durst, a year ago, mention such a statute, without the incurring the danger of a prosecution? Therefore I shall humbly move your lordships, That a select committee of a few may be named, to consider of the act of parliament itself; and, if they shall think it of as great prejudice as I do, that then the house of commons, in the most usual manner, may be made acquainted with it either by bill or conference; who also may think it a burden to the subject; and so when the whole body of parliament shall join in one supplication, I am confident his maj. will desire that nothing shall remain in force which his people do not willingly obey.'

Lord Andover's Speech concerning the Pacification with the Scots.] March 6 Lord Andover[a] made the following speech concerning the Pacification with the Scots —'My lords; I did lately move your lordships, that the breach of the Pacification might be speedily reviewed, as the unum necessarium; and truly my opinion, at that time, is yet nothing altered, although, upon better thoughts, methinks, it should first be known who did actually engage us in these fruitless dissentions, and so derive the mischief from some original. for, my lords, the kingdom cannot now long stand at gaze, or undergo new burthens. Wherefore what is to be done (if you intend it should prosper) must presently receive life from the whole people, or otherwise we shall expire in a dream; and when the success differs from expectation, it is not enough to cry out, Quod nos putabam. My lords, this wise man says, 'There is a proper season for all things under the sun; and we often find the experiment in natural bodies, which are voluntarily weakened, to recover strength, vat with a restriction to such bounds, and heats, as the physician prescribes himself; and truly, I think it is your lordships case at this point, either to consider what should further be done than is already, or else how to get out of those labyrinths we unw are in, lest the words of the Psalmist come home to ourselves, 'Vendidisti populum sine pretio.'—My lords, I am confident the house of commons doth thoroughly see both into the prejudice and vast expence, that these two armies lay upon the land; and, undoubtedly, so many gentlemen of worth, as sit there, will have tender eyes upon the commonwealth It will therefore become your lordships to second them in your way, and whilst they apply to public wounds, the cure of this house may search the intestines; for if they be not cleansed, it will be but a superficial cure, and break out again.—My lords, it seems the earl of Stratford and the abp. of Canterbury have gone the high ways of iniquity, and every one knows how to trace them; but mines under ground are most considerable, which, unless they be likewise found out, may at any time spring, and supplant the whole fabrick of all our labours. Let us then examine this fantastic war, ab initio; lest, as the duke of Burgundy made a few sheep skins the cause of his quarrel; so we shall find those sheets of paper, sent under the name of a Liturgy, and book of Canons, were but the Mopsa's of the story, to divert our eyes from the main design.—Therefore my humble motion shall be for a select committee of no great number, who may have power from the house to begin

[a] From the original edition, printed by G. Mabb, 1641.

ah origine mali; tevise every man's negociations, who was either an actor or counsellor since the first appearance of those troubles in Scotland; and that they may examine the Scots counsel upon such articles, as the heavy pressure of this kingdom shall, upon common fame, administer unto them.'

The King's Offer to reduce the Forest Laws.] This day, the earl of Holland signified to the lords, 'That the king had commanded him to let them know, That his majesty understanding that the Forest Laws are grievous to the subjects of this kingdom, his majesty, out of his grace and goodness to his people, is willing to lay down all the new Bounds of his Forests in this kingdom, and that they shall be reduced to the same condition as they were before the late justice seats were held.

Bill for disabling Bishops, &c. from holding civil Offices.] March 11 This day it was resolved, 'That for Bishops, or any other clergyman whatsoever, to be in the commission of the peace, or to have any judicial power in the Star-Chamber, or in any civil court, is a hindrance to their spiritual function, prejudicial to the commonwealth, and fit to be taken away;' and a bill was ordered for that purpose.

It hath been taken notice of, that few or no reports, from conferences held between the two houses, are entered in the Journals of the commons; a blank being usually left instead of it.

Articles of Impeachment against Dr. Cosins.] March 15. Mr Rouse carried up, from the house of commons, Articles of Impeachment against Dr. Cosins, prebendary and treasurer at the church of Durham; which he introduced in the following manner —'My lords; I am commanded by the house of commons, to present to your lordships a Declaration and Impeachment against Dr Cosins, and others, upon the complaint of Mr Peter Smart; which Mr Smart was a proto-martyr, or first confessor of note, in the late days of persecution. The whole matter is a tree, wherein the branches and fruit are manifest in the Articles of this Declaration; which being read, I shall, with your lordships favour, discover and lay open the root.'

The ARTICLES were read thus:

"I. That he was the first man that caused the Communion-Table to the church of Durham to be removed, and set Altar wise; in the erecting and beautifying whereof, he (being then treasurer) expended 200*l.* II That he used to officiate at the West-Side thereof, turning his back to the people. III. That he used extraordinary Bowings to it. IV. That he compelled others to do it, using violence to the persons of them that refused so to do: for instance, once some omitting it, he comes out of his seat, down to the seat where they sat, being gentlewomen, called them whores and jades, and pagans, and the like unseemly words, and rent some of their cloaths. V. That he converted divine Prayers, in the Book of Common-Prayer, into Hymns, to be sung in the Choir, and played with the organ, contrary to the ancient custom of that church VI. That whereas it had been formerly a custom in that church, at the end of every sermon to sing a psalm, this custom, when Dr. Cosins came thither, was abrogated; and, instead thereof, they sung an anthem in the choir; there being no psalm sung either at the minister's going up into the pulpit, or at his coming down. VII That the first Candlemas-day, at night, that he had been in that church, he caused 300 wax-candles to be set up and lighted in the church at once, in honour of our lady, and placed threescore of them on and about the Altar. VIII. That, in this church, there were reliques of divers images, above which were remaining the ruins of two scrapaums, with the picture of Christ between them, erected in queen Mary's reign, in the time of Popery. all which, when queen Elizabeth came to the crown, were demolished by virtue of a commission by her to that intent granted; which so continued demolished from that time, 'till Dr. Cosins came to that church; who, being treasurer, caused the same to be repaired, and most gloriously painted IX. That, all the time he was unmarried, he wore a cope of white satin, never officiating to any other, it being reserved solely for him, no man except himself making use thereof, which, after marriage, he cast off, and never after wore. X. That there was a knife belonging to the church, kept altogether in the vestry, being put to none but holy uses, as cutting the bread in the sacrament, and the like; Dr Cosins refusing to cut the same with any other but that, thinking all others that were unconsecrated, polluted; but that which he put holiness into, ever was termed the consecrated knife. XI. That, in a Sermon preached in that church, he did deliver certain words in disgrace of the reformers of our church: for instance, the words were these: 'The Reformers of the Church, when they abolished the Mass, took away all good order; and, instead of reformation, made it a deformation.' XII. That he seldom or never, in any of his sermons, stiled the Ministers of the Word and Sacraments, by any other name than Priests; not the Communion-Table by any other name than Altar. XIII. That, by his appointment there was a cope bought, the seller being a convicted Jesuit, and afterwards employed in that church, having upon it the picture of the invisible and incomprehensible Trinity. XIV. That whereas it had been formerly a custom in that church, at 5 of the clock, to have morning-prayers read, winter and summer, this custom, when Dr. Cosins came thither, was abandoned, and, instead thereof was used singing, and playing on the organs, and some few prayers read; and this was called the first Service which being ended, the people departed out of the church, returning at 9, having then Morning-Prayers read unto them; and this was called the second Service. Which [illegible] being omitted was complained of

by Mr. Justice Hutton, was reformed. XV. That he framed a superstitious ceremony, in lighting the Tapers which were placed on the Altar, which, for instance, was this: a company of boys, that belonged to the church, came in at the choir-door with torches in their hands, lighted, bowing towards the Altar at their first entrance, bowing thrice before they lighted their tapers; having done, they withdrew themselves, bowing so oft as before, not once turning their back-parts towards the altar, the organs all the time going. XVI. That he counselled some young students of the University, to be imitators and practisers of his superstitious ceremonies, who, to ingratiate themselves in his favour, did accordingly, and being afterwards reproved for the same, by some of their friends, confessed that Dr. Cosins first induced them to that practice, and encouraged them therein. XVII. That he used, upon Communion-Days, to make the Sign of the Cross with his finger, both upon the seats whereon they were to sit, and the cushions to kneel upon, using some words when he so did. XVIII. That one Sabbath-Day there was set up an unnecessary company of tapers and lights in the church; which, Dr Hunt, being then dean, fearing they might give offence, being they were unnecessary, sent his man to pull them down, who did so. but Dr. Cosins, being thereat aggrieved, came to the fellow, and there miscalled him in a most upcivil manner; and began to beat him in the public view of the congregation, to the great disturbance of the same. XIX. That the Dean and Chapter of that Church, where Dr. Cosins was one, with many others, being invited to dinner in the city of Durham, Dr. Cosins, then and there, spake words derogating from the king's prerogative. The words were these, 'The king had no more power over the church, than the boy that rubs my horse's heels' XX That there being many Canons of the said church present at that time, amongst the rest there was one took more notice of his words than the rest, and acquainted one of his fellow canons with them when he came home Thus canon being a friend to Dr. Cosins, told the doctor that such a man exclaimed against him, and charged him with words which he should speak at such a time The doctor presently sends for him; and when he came into the house, the doctor desires him to follow him into an inner room, who did so; but, as soon as he came in, the doctor shuts the door, and sets both his hands upon him, calling him rogue and rascal, and many other names, insomuch that the man, fearing he would do him mischief, cried out. Mrs. Cosins coming in, endeavoured to appease her husband, and, holding his hands, the other ran away. XXI. That the doctor did seek many unjust ways to ensnare this man, that so he might take a fit occasion to put him out of his place, but none of them taking effect, he put him out by violence, having no other reason why he did so, but, because he had no good voice, when he had served the place two years before Dr. came thither: for instance of which ways to ensnare this man, Dr. Cosins man and a woman to pretend a desire of money, and to offer a sum of money to petty canon to contract matrimony them in a private chamber; so thereby take advantage of his revenge upon him.

These Articles being read, Mr. Hoo receded thus, 'My lords, I am not to disc the root of Mr. Smart's persecution. lordships have heard of a great design to in Popery you have heard of armies of diers, and particularly of the Popish army, the burthen and complaint of the mons. but there is another army not so much spoken of, and that is, an army of Priests: since Altars came in, so they delight to called. It is a saying of Gregory the Great, 'That when antichrist comes,' Præparatus est exercitus Sacerdotum,' there is an army of Priests to receive him. This is unfolded in our time, for certainly this army of priests doth many ways advance the design and plot of Popery. The first is by the subversion of laws and government. Our laws and Popery cannot stand together, but either Popery must overthrow our laws, or our laws must overthrow Popery But to overthrow our laws they must overthrow parliaments; and to overthrow parliaments, they must overthrow property they must bring the subject's goods to be arbitrarily disposed, that so there may be no need of parliaments. This hath been done by Dr. Manwaring, (whom we find wanting, yet not in the seats, but at the bar of the lords house) and the like by Dr. Beale and I think it was the intention of the late canons.—A second way, by which this Army of Priests advanceth the Popish design, is the way of treaty. This hath been acted both by writing and conference. Sancta Clara himself saith, 'Ductissimi eorum quibuscum ego,' so it seems they had conferences together: and Sancta Clara, on his part, laboures to bring the Articles of our Church to Popery; and some of our side strive to meet them in that way. We have a testimony, that the great a priest himself hath said, 'It were an hard matter to make a reconciliation, if a wise man but the handling of it.' But I verily believe that, as the state of papacy stands, a far wiser man than he cannot reconcile us without [illegible] of our religion. for the Pope being fastened to his errors, even by his chair of infallibility, he sits still unmoved, and we cannot meet, except we come wholly to him. A man standing in a boat tied to a rock, when he draws the rope, doth not draw the rock to the boat, but the boat to the rock. And Sancta Clara doth (in this somewhat honestly) confess it; for he saith, That he dealt in this way of treaty, not to draw the church to the Protestants, but the Protestants to the church.—A third way is a way of violence, this violence they exercise partly by secular arms, and partly by priestly arms, which they call spare

tual. For secular arms we have their own confession, that the late war was Bellum Episcopale; and we have the Papists confession, that it was Bellum Papale, for, in their letters, they say, 'That the war concerns them, not only as subjects, but as Catholics, for so they falsly call themselves; and if it be so, then Bellum Episcopale is also Bellum Papale: in the Episcopal war, the Papal cause is advanced by the spiritualaries. Thus they come to execution.—When a great man is coming, his sumpters, his furniture, his provisions, go before. the Pope's furniture, altars and copes, pictures and images, are come before, and, if we believe Dr. Cosins, the very substance of the Mass; a certain sign that the Pope was not far off. Now, these forerunners being come, if any man resist them, fire comes out of the brambles, and devours the cedars of Lebanon, the army of the Priests falls upon him with their arms of suspension, sequestration, excommunication, degradation, and deprivation and by these arms hath Mr. Smart been oppressed and undone. He falls upon their superstitions and innovations; and they fall upon him with their arms, they bent him down, yea they pull him up by the roots, taking away all his means of maintenance and living, yet they leave him life to feel his miseries. 'Ita feriunt, ut diu se sentiat mori.' There is no cruelty equal to priestly cruelty. These are they that did put our Saviour to death. The calling is reverend, but the corruption of it most pernicious; 'Corruptio optimi pessima.' I know no reason of this change, except it be that of the apostle, 'Because when they knew God, they did not worship him as God, but made a God of the world; placing the excellency of priesthood in worldly pomp and greatness; and gave the glory of the invisible God to pictures, images and altars, 'therefore God gave them up to vile affections, to be implacable, unmerciful, and without natural affection.' But whatsoever is the cause of their corruption, certainly their arms have fallen heavily upon Mr Smart, and priestly cruelty hath cast him into a long misery; from which he could get no release by any priestly mercy.—And now it is prayed, That as these delinquents, by the cruel oppressions of Mr. Smart, have advanced the cause of Popery, so they may in such a degree of justice be punished, that, in them, priestly cruelty, and the very cause of Popery, may appear to be punished, and suppressed; and that Mr. Smart, suffering for the cause of Protestancy, may be so repaired, that, in him, pious constancy, and the very cause of Protestancy, may appear to be righted and repaired.'

Report of a Conference concerning the State of the Kingdom.] March 22. A conference with the other house being desired by the lords, concerning the great Affairs of the Kingdom, the same was reported the next day to the commons, by Mr. Pierrepont in the following manner.

'The Earl of Bristol, began the conference, and said, "Gentlemen, and you the knights, citizens, and burgesses of the house of commons. I am commanded by my lords here to let you know, that they have taken serious deliberation of the Propositions made by you, the other day, in a conference, concerning the extremity in which the kingdom was, for want of money to give satisfaction to the two armies. I am commanded to let you know, their lordships, in this, and any thing else that may conduce to the service of the king, and good of the kingdom, will concur, and be very ready to give such assistance as you shall propound, or, upon debate with them, think fit to advance the work. You were pleased to declare the great industry used for raising of monies, and truly we conceive it can scarce be paralleled in any time, where the house of commons hath shewed so great affection to the good of the kingdom, as, in their own particulars, to be so engaged as they have been but they now perceive, though as good security as can be hath been tendered, (not only personal securities, but the security of the kingdom, the bill of Subsidies) the cause of this hindrance must be some apprehension of damage, which the kingdom hath, and particularly the city of London, in that they fear unquiet and dangerous times, and so loth to part with money; for we cannot but conceive there is money in the kingdom, and in the city this fear is that which maketh them all keep the wealth they have, to serve their turns to extremity of danger; and therefore think, that since there is great use of money to open the credit of the kingdom, for the granting of Subsidies doth not get ready money, but gives credit; and peace and tranquility will encourage the lending of money: and therefore the lords have commanded the lords commissioners, with all speed, to bring unto you the bottom of the treaty with the Scots, that the kingdom may see in what estate we are; and I hope it will be in a few days towards peace and their lordships, as well for the sums in arrear, as for those other great sums which are promised, and must in time be provided, will, I make no doubt, likewise concur with you in that, and in all things else that may conduce to the happiness of the state. and therefore, because ways of money are more proper to proceed from you than from us, if you shall think that any way that may be propounded by you may be effectual; or, if you propound not, their lordships will let you know some of their propositions; and if you be not now prepared to confer about it, we shall, when you please, debate the same with you."

Lord *Say*. 'My lords have commanded me to let you know, that they do conceive much content in the good correspondency between both houses, as it is evidenced in this particular; which, though it is a tender point (and wherein my lords will not trench upon your privileges) you desire their advice; and there is nothing, wherein they may concur with you, that they will be unwilling; and one way

they have thought of, which, if you approve of it, and think it fit, may be as if, whereby the city may be induced from both houses, to lend for there is no money to be had; but there are some objections, which may be by mistakes and false suggestions that they will, which they shall be moved by both houses, be induced to lend that money that may serve the occasion, when the danger shall be made appear.'

Earl of [illegible]. 'I am only to add this more, That, because there may be another obstacle of lending money, the great grievances and calamities of this kingdom, together with the causers and advisers thereof, I am commanded to [illegible], that their lordships are very sensible of it, and that, in removing of any that have been the causes of these troubles, and, in the next place, they shall be ready to join in any way with [illegible].'

Earl of *Bath*. 'To press, with all expedition, the Scots commissioners to come to a conclusion of the treaty, to the content of both houses.'

Account of Burton, Bastwick, and Prynne.] One of the first affairs which took up the attention of the house of commons, after the meeting of this parliament, was the censures in the Star-Chamber, or elsewhere, with the subsequent imprisonment of Burton, Bastwick and Prynne, as mentioned Nov. 7, in their Journals. These men had highly offended the court, and the whole hierarchy of English bishops, by publishing some books against that order: but, as this affair made a great noise at that time, it will be necessary to see what the contemporary historians say of it. And first, lord Clarendon writes, 'There were 3 persons most notorious for their declared malice against the government of the church by bishops, in their several books and writings, which they had published to corrupt the people, with circumstances very scandalous, and in language very scurrilous and impudent, which all men thought deserved very exemplary punishment. They were of the three several professions which had the most influence upon the people, a divine, a common lawyer, and a doctor of physic: none of them of interest or any esteem with the worthy part of their professions, having been formerly all looked upon under characters of reproach. Yet when these men came to be sentenced, and for the execution of that sentence brought out to be punished as common and signal rogues, exposed on scaffolds to have their ears cut off, and their faces and foreheads branded with hot irons, men began no more to consider their manners, but the men; and each profession, with anger and indignation enough, thought their education, degrees, and quality would have secured them against such infamous judgments, and treasured-up wrath for the time to come.'

Sanderson writes, 'That Mr Burton was a divine, at first employed by the court as clerk of the chapel closet; but this not being preferment suitable to his own conceited merit, he grew factious first, and then insolent in print, in two pamphlets against episcopacy, sharp and full of rancour.'—Dr Bastwick had before been censured, by the high commission, for writing and speaking against the prelacy: and, to shew his sentiments plainer, this author has given us the title of an Answer he made to an Information exhibited against him, by the Attorney General, in these words:—'The Answer of John Bastwick, doctor of physick, to the Information of sir Jo Banks, knt. attorney general, in which there is a sufficient demonstration, that the prelates are invaders of the king's prerogative royal; contemners and despisers of Holy Scriptures, advancers of popery, superstition, idolatry, and profaneness. Also, that they abuse the king's authority, to the oppression of his loyalest subjects, and therein exercise great cruelty, tyranny, and injustice; and, in the execution of these impious performances, they shew neither wit, honesty, nor temperance: nor are they servants of either God or the king, but of the devil; being enemies to God and the king, and of every living thing that is good. All which he the said Dr Bastwick is ready to maintain, &c.' This Answer was contained in six sheets of large parchment, to the amaze of the whole court, nor could he be brought to be brief, but printed it all, and dedicated it to the king with an epistle to prove it.—Prynne was a barrister of Lincoln's-inn, who, for some pamphlets published against the king and church, had been before censured; but, in a new attack against them, was punished more. His sentence was a fine of 5000*l.* the king, to lose the remainder of his ears in the pillory, to be stigmatized on both cheeks with an S. for Schismatick, and perpetual imprisonment in Caernarvon castle, in Wales. Bastwick and Burton each 5000*l.* to the king, to lose their ears in the pillory, and be imprisoned; the first in Launceston, in Cornwall, and the other in Lancaster castle. Our author concludes the account of these men with observing, "That, had they been brought to the King's-Bench bar, they would not have been censured up, by policy and power, to join their revenge against the king and all their accusers."—We shall only add, that the house of commons did not only vote the sentences against these men unjust and illegal, but released them from their imprisonments. Mr Whitlock says, "That they were conducted into London, from their several prisons, by many hundreds of horse and foot, in great pomp and defiance of justice; and that they petitioned the house of commons for damages against their prosecutors."

Proceedings on the Impeachment of the Earl of Strafford.

We now enter upon an affair of great importance, wherein one of the principal servants of the crown was accused by the Commons of High Treason. But before we proceed, it will be proper to take notice of an erasure made

in the Lords Journals, by order of that house after the Restoration of Charles II. of all the Proceedings against the earl of Strafford this time. This extraordinary act was taken into consideration in a succeeding reign, and another order was made by the lords relating to it. This order is entered in the Journals just where the first erasure begins, and is in those words —"Die Martis Julii 5to 1698 The earl of Rochester reported from the lords committees, appointed to inspect the Journals of this house, in the year 1640 and 1641, relating to vacating or obliterating divers proceedings therein, pursuant to the act for reversing the earl of Strafford's attainder, as follows, viz. Upon perusal of the Journal of this house, in relation to the proceedings upon the Impeachment from the house of commons, it appears plainly that, by the former orders made by this house, relating to the cancelling and obliterating the proceedings of the earl of Strafford, according to the act of parliament made for reversing of the said earl's attainder, it could not be intended that any other proceedings should be obliterated than those relating especially to the said act of attainder; it is therefore ordered and declared, by the lords spiritual and temporal in parliament assembled, That whatsoever stands crossed upon the Journals relating to the proceedings in the Impeachment of the said earl, ought not or shall be looked on as obliterated, and that the several orders for obliterating and vacating any proceedings concerning the earl of Strafford, must be taken to be intended only to the act of attainder."—Which report being agreed to by the house, it was ordered, "That there be a note, or memorandum, of the aforesaid order in the margin of the Journals, where any such proceedings have been obliterated." But an authentic copy of all the Proceedings was afterwards inserted in the Original Journal by an order of the house, 15th Feb 1703, and has since appeared in the printed editions of that work.

Nov. 11. A message from the commons to the lords was delivered by Mr Pym, to this effect. "My lords, The knights, citizens, and burgesses, now assembled for the commons in parliament, have received information of divers traiterous designs and practices of a great peer of this house, and, by virtue of a command from them, I do here, in the name of the commons now assembled in parliament, and in the name of all the commons of England, accuse Thomas earl of Strafford, lord lieutenant of Ireland, of High Treason. And they have commanded me further to desire your lordships, that he may be sequestered from parliament, and forthwith committed to prison. They have further commanded me to let your lordships know, that they will, within a few days, resort to your lordships, with the particular Articles and Grounds of his Accusation; and they do further desire that your lordships will think upon some convenient and fit way, that the passage between Ireland and England, for his majesty's subjects of both kingdoms, may be free, notwithstanding any restraint to the contrary."

After this, the commons withdrew; and the lord keeper reported the effect of it to the house. And, after their lordships had considered of the message, they resolved to give this Answer for the present, by the lord keeper: viz. "That the lords do let them know, that they have been made acquainted with the Charge of High Treason, which the commons have made against the earl of Strafford; and their lordships do not doubt but that the commons did take great consideration of it before they came hither; and their lordships will take it into their consideration, and will send them a further Answer, by messengers of their own."

Whereupon the commons went to their own house; and the earl of Strafford, coming into the house, was commanded to withdraw. Then their lordships falling into a serious debate of the message, concluded, and ordered, That the earl of Strafford, for this Accusation of High Treason by the commons, shall be presently committed to the safe custody of the gentleman usher of this house, and to be sequestered from coming to this house of parliament, until he hath cleared himself of this Accusation. The earl of Strafford being called to the bar as a delinquent kneeling, the lord keeper, by direction of the house, signified to him as followeth

"My lord of Strafford; The house of commons, in their name, and in the name of the whole commons of the kingdom of England, have this day accused your lordship, to the lords spiritual and temporal in this high court of parliament assembled, of High Treason. The particulars will with a few days prepare. In the mean time, they have desired of my lords, and their lordships have resolved, That your lordship shall be committed to safe custody of the gentleman usher, and sequestered from this house, until your lordships have cleared yourself of the accusation that shall be laid against you."

After this, he offering to speak, was not permitted, but immediately sent away. And so the earl of Strafford went out of the house to the gentleman usher. Afterwards the lords thought it fit to send a message to the commons, to let them know how far they had proceeded for the present, and the resolutions they agree, that the two lords chief justices should deliver a message to the commons, to this effect: "That the lords of the high court of parliament have taken into consideration the Charge of High Treason, which the commons have made against the earl of Strafford, and do let them know that their lordships have committed him to safe custody; and have sequestered him from coming in the house, and do desire that the Articles and Accusation against him may be brought in speedily; and further to let them know, that their lordships will take it into consideration how to treat and open the passage between Ireland and England, notwithstanding

any restraint; and to that purpose will move his majesty in it."

Nov. 11 The lord keeper signified to the house, That, waiting this morning on his maj he was commanded by him to go to the earl of Strafford, to receive from him an account of some things in Ireland, that his maj. might know the better how to order his affairs here. Upon which his lordship humbly represented to his maj the place his lordship held in the lords house, and that he had, by their lordships command, pronounced the sentence for commitment of the said earl, upon the accusation of the commons; and therefore humbly besought his maj. he might, before his going to the earl of Strafford, acquaint the house therewith; which his maj. was graciously pleased to give him leave to do. For which respect their lordships were pleased to give him thanks. And, upon the motion of the earl of Essex, it was agreed by their lordships, That the rest of their lordships, that have any occasion to go to him, should to the like manner acquaint the house first with it.

E. of Strafford's Petition to be heard, and have Counsel.] Nov. 19. A Petition from the earl of Strafford was presented to the house by the lord keeper; viz.

"To the right hon. the Lords Spiritual and Temporal in the High Court of Parliament assembled The humble Petition of Thomas earl of Strafford, his majesty's lieutenant general of Ireland;

"Humbly sheweth, That the petitioner was, on the 11th of this month, called to the bar, before your lordships; and there charged, in the name of the commons of England, with High Treason, and by your lordships committed to the gentleman usher, where he hath since remained, to his very great prejudice, both in health, fortune, and otherwise; howbeit, your petitioner hears not as yet of any matter in special objected against him; by means of this restraint (wherein nevertheless he willingly submits himself to the good pleasure of your lordships), your petitioner is, for the time deprived of the most valuable and esteemable inheritance any subject of this kingdom can be possessed of; to wit, the honour to sit in parliament, amongst the peers of the realm. Your petitioner humbly beseecheth your lordships he may be bailed, have counsel assigned, and Mr. Wm Raylton allowed him as a solicitor, in the modest and just course of his own defence. And your petitioner shall wish to your noble lordships all increase of honour and happiness"

Message from the Commons, touching the Examination of Witnesses.] Nov. 20. Mr. Pym delivered the following message from the commons:

"My lords; The knights, citizens, and borgesses, of the house of commons assembled, have commanded me to let your lordships know, that there were divers Witnesses, which the house of commons were to produce in the great cause now depending before your ships, wherein they have charged the Strafford of High Treason, some of the nesses were members of the house of and for those they had already made to be ready to be examined by your when they should be required; other members, or assistants, of this and for those they desired that your lo would order they might be examined oath, if it should be required; and some of the witnesses to be produced cause might be of his majesty's most hon council, it was desired that your lord would take some such course as should best to your own judgments, that they he ready to be examined upon oath, if they required. My lords; treason is such a crime as, in the first preparation and design, for the most part walks in the dark; or, if it come abroad, it is with such disguises as it is hardly to be discerned; and therefore I am commanded to commend it to your lordships just care and wisdom, so to provide, that, when my witnesses shall be produced, they may be speedily examined; and both the names of the parties, and the matter of the interrogatories and answers, may be kept private, till there shall be an occasion to make use of them; whereby subtile practices and combinations may be prevented, and the truth secured from corruption and concealment there is only one thing more which I am to add, That your lordships will be pleased, that some members of the house of commons may be present at those examinations, to present to your lordships new interrogatories and questions, if it shall be needful."

The lords returned for Answer; "That the Message is of great importance, and their lordships will consider seriously of it, and will send a further Answer by messengers of their own.

Nov. 20, p. m The lord keeper reported the effect of the message from the house of commons, delivered by Mr Pym; and after much consideration of the many particular and weighty points in it, their lordships broke the body of the Message into 5 Heads, which, for the more clear and methodical proceeding, and the better to draw each point to a Resolution, their lordships thought it fit to handle each branch distinctly, and to finish one before they fell upon another. The 5 Heads of the Message were these: 1. The examinations of the members of the house of commons upon oath. 2. The examination of the lords of their house and the assistants upon oath 3 The examination of the privy counsellors upon oath. 4. To provide that the proceedings may be speedy and secret. 5 About the members of the house of commons to be present at the examinations."

Nov. 21. Before their lordships proceeded to debate the particulars of the Message, they made this declaration; "That, before their lordships do enter into any debate concerning

the Examination of Witnesses, their lordships do declare, That no examinations of witnesses ought to be taken, before a particular charge be given, and that this house doth understand the message from the house of commons in no other sense"

Hereupon their lordships proceeded to the consideration of the first branch of the Message from the house of commons; viz. "1 The examination of the members of the house of commons upon oath." And it was conceived that this particular needed no long debate Therefore this house did leave the members of the house of commons to be examined, as they shall appoint. Then their lordships proceeded to the consideration of the 2nd branch, which was, "2. The examination of the lords of this house, and the assistants, upon oath" And, for the speedier resolution in this particular, the house was adjourned into a committee, during pleasure; and, after a little debate, it was agreed, "Upon the desire of the house of commons, and by the consent of the peers of this high court of parliament assembled, That, for this time, and in this case, the peers and assistants shall be examined upon oath, as witnesses"—To the 4th Head, "That the proceedings may be speedy and secret," it was agreed, that their lordship's will provide that they may be so

Nov. 25. A conference took place between both houses; and the lord keeper reported the effect of it, viz "That the house of commons have delivered their Articles of High Treason against the earl of Strafford, consisting of divers Charges; and that the commons desired, 1. That the earl may be called to answer the said Articles 2. That they may be made acquainted with the earl's Answer 3 That they may be made acquainted with the Depositions 4. They required further, they might add to their accusation, as occasion should serve After this, the Articles were read publicly, in hæc verba

"Articles of the Commons, assembled in Parliament, against Thomas Earl of Strafford, in Maintenance of their Accusation, whereby he stands charged with High Treason.

"I That he the said Thomas earl of Strafford hath traitorously endeavoured to subvert the fundamental laws and government of the realms of England and Ireland, and, instead thereof, to introduce an arbitrary and tyrannical government, against law, which he hath declared by traiterous words, counsels, and actions, and by giving his majesty advice, by force of arms, to compel his loyal subjects to submit thereunto. II. That he hath traitorously assumed to himself regal power over the lives, liberties of persons, lands, and goods of his majesty's subjects, in England and Ireland, and hath exercised the same tyrannically, to the subversion and undoing of many, both peers and others, of his majesty's liege people. III The better to inrich, and enable himself to go through with his traiterous designs, he hath detained a great part of his majesty's revenue, without giving any legal account, and hath taken great sums of money out of the exchequer, converting them to his own use, when his majesty was necessitated for his own urgent occasions, and his army had been a long time unpaid. IV. That he hath traiterously abused the power and authority of his government, to the increasing, countenancing, and encouraging of Papists, that so he might settle a mutual dependance and confidence betwixt himself and that party, and by their help prosecute and accomplish his malicious and tyrannical designs V. That he hath maliciously endeavoured to stir up enmity and ill offices between his majesty's subjects of England and those of Scotland. VI. That he hath traiterously broken the great trust reposed in him by his majesty, of lieutenant general of his Army, by wilfully betraying divers of his majesty's subjects to death, his majesty's Army to a disadvantageable defeat by the Scots at Newburne, and the town of Newcastle into their hands, to the end that, by effusion of blood, by dishonour, by so great a loss as of Newcastle, his majesty's realm of England might be engaged in a national and irreconcilable quarrel with the Scots. VII That, to preserve himself from being questioned for these and other his traiterous courses, he laboured to subvert the right of parliaments, and the ancient course of parliamentary proceedings, and, by false and malicious slanders, to incense his majesty against parliaments —By which words, counsels, and actions, he hath traiterously, and contrary to his allegiance, laboured to alienate the hearts of the king's loyal people from him, and to put a division between them, and to ruin and destroy his majesty's kingdoms, for which they do impeach him of High Treason against our sovereign lord the king, his crown and dignity And he the said earl of Strafford was lord deputy of Ireland, or lord lieutenant of Ireland, and lord general of the Army there, under his majesty, and a sworn privy counsellor to his majesty of his kingdoms both of England and Ireland, and lord president of the North, during the time that all and every of the crimes and offences here set forth were done and committed, and he the said earl was lieut general of his majesty's Army in the North parts of England, during the time that the crimes and offences in the 5th and 6th Articles set forth were done and committed —And the said commons by protestation, saving to themselves the liberty of exhibiting at any time hereafter any other Accusation or Impeachment against the said earl, and also of replying to the Answer that he the said earl shall make unto the said Articles, or to any of them, and of offering proofs of the premises, or any of them, or of any other Accusation or Impeachment that shall be by them exhibited, as the case shall, according to the course of parliaments, require, and do pray that the said earl may be put to answer

to all and every the premises; and that such proceedings, examination, trial, and judgment, may be upon every of them had and used, as is agreeable to law and justice."

Whereupon it was ordered, by the lords, That, upon the accusation of High Treason of the earl of Strafford, by the house of commons, he be forthwith committed to the Tower, and that he have a copy of the Articles, to prepare a speedy Answer, and likewise that he have free access of such counsel to him, to advise about his Answer, as this house shall allow and approve of, when he shall present a list of their names, and that the access of friends and servants shall not be debarred him, and such physicians as he shall think fit for his health shall have access unto him

The earl of Strafford was presently sent for, by the gentleman usher, in whose custody he was; who appeared at the bar, as a delinquent. And then the lord keeper signified to him, That the house of commons have delivered an Impeachment of High Treason against him, which was read unto him publicly, in open court After which he had leave given him to speak. He rendered their lordships humble thanks for their proceedings with him, and desired of their lordships, "That he might have time given him to Answer. That he might have Counsel assigned him. That he might have Servants also with him, and his friends to have access to him"

He being commanded to withdraw, and the house taking his requests into consideration, he was called for in again, and the lord keeper told him that their lordships had ordered, that he should stand forthwith committed to the Tower, and shall have such Counsel allowed him, and, if need be, assigned him, as the house shall approve of, when he delivers in their names in writing; and that the access of his friends and servants is not debarred him; and likewise such physicians as he shall think fit for his health may repair unto him For this the earl gave their lordships humble thanks; but craved leave to desire one thing more, which was, that no Examinations of Witnesses might be before he had made his Answer, and that the names of witnesses may be given in before they be examined But, he withdrawing, the house appointed the lord keeper to send for these in writing from the earl of Strafford

Nov 27 The lords took into consideration to give resolution to those Heads of the Message from the commons which are not resolved of, whereby to give an Answer to the commons, and the particular that was debated was, "The Examination of Privy Counsellors and Assistants of this house upon oath;" for the freer debate whereof, the house was adjourned into a committee; and being resumed, it was ordered, That all such peers of this hon house as shall be required shall, for this time, and upon this occasion, be examined upon oath; and that all the assistants shall be likewise examined upon oath, if it be required.

Petition of the E. of Strafford concerning Witnesses.] This day the Petition of the earl of Strafford was read, in hæc verba:

"The humble Petition of Thomas Earl of Strafford, his Majesty's Lieut. General of Ireland.

"Most humbly sheweth; That, in obedience to your lordship's order, and in due acknowledgment of your lordships noble justice and respect vouchsafed this your petitioner the other day, he now expressath in writing that humble request he made then concerning the Examining of Witnesses, which, with your lordships favour, was this That there might be no admission of any Examination of Witnesses in this cause till your petitioner had put in his Answer to the Charge of Treason exhibited against him. That, after answer, no witness should be examined before your petitioner had the name of such witness delivered unto him by your lordships order, to the intent (as by his council he should be advised) he might either except against such witness, or cross-examine him. And that, before either of these two points should be overruled against your petitioner, your lordships might be humbly pleased to hear him, by his counsel at the bar, to shew cause why he humbly conceives his desires herein to be just and reasonable. Finally, the petitioner humbly craves your lordships remission, if his petitions be not so formal or pertinent as they both ought and might be, it he had the help of Counsel; and shall ever, with all expression of duty and thankfulness, retain in toll memory your lordships most honourable justice and noble respects to your petitioner the other day, and pay your lordships the duties of his whole life for the same. And always and unfeignedly pray for your most noble lordships increase of all lasting honour and happiness."

Whereupon it was ordered, That no examinations are to be taken before the earl of Strafford hath put in his Answer; and that no Counsel shall be heard at bar, as is desired in the petition And as touching the delivering the Names of Witnesses to the earl of Strafford before their Examination, whereby he might except against them, or cross-examine them, their lordships thought it fit to defer the consideration of this until to-morrow morning, against which time the lord keeper was desired by the house to give order to the clerks and ministers of some court of justice, to search out for some precedents of this nature, the better to inform the house, as they shall see cause. The house was pleased to assign Counsel to the earl of Strafford, according to a list presented by him; and those which the house did assign were these: Counsel; Mr Richard Lane, Serj. Rowles, Mr Recorder of London, Mr Platt, Mr. George Lowe, Mr. John Lightfoote, and Mr. Hugh Wyndham. Any of these counsellors have liberty to be excused, if they can alledge any just excuse.

Feb. 17. This day the earl of Strafford be-

ing, by order of this house, to appear in person, and put in his Answer in writing, came to the bar. The lord keeper asked himself, whether he had accordingly brought his Answer in writing. He desired, That he might have leave to speak by his counsel; which the house permitted. Then Mr Lane, the Prince's attorney, being of his counsel, acquainted the house, That the earl of Strafford's Answer is not now ready; and gave these reasons following, to induce this house to believe that it is real, and not excuse. "1 That the general accusation of High Treason against the earl of Strafford consists of 7 Heads, and out of those generals in the last Impeachment are extracted 28 Articles, each Article containing several charges. 2 They contain the actions of the earl of Strafford's service, for 15 years past, and intrench upon his several offices both in England and Ireland; which will draw the Answer into a great length; he being to recollect himself, to give an account of all the particulars. 3 The instructions for drawing his Answer must be taken from his own mouth, and by one man. 4. That yesterday was the first day that his counsel read over the Answer, which is yet but in the rough draught, consisting of 200 sheets of paper; that they were reading it over from 9 in the morning until 11 at night; and are of opinion that many alterations must be made therein, and, in conclusion, desired some longer time for putting in the earl's Answer."

After this, the earl said, "That his Charge was heavy; and that he hath not neglected any time in preparing his Answer against this day, therefore desires some longer time."

He and his counsel being withdrawn, the house took what had been said into consideration, and their lordships being desirous to proceed upon such grounds as might stand with the justice and honour of this house, and give satisfaction to the whole kingdom, the house was put into a committee during pleasure, that this business might be the better debated; and they took into consideration whether the counsel shall be heard upon oath, if they will voluntarily affirm upon oath, what they have averred unto this house without an oath, whether the earl's Answer be ready now or not. And the house being resumed, it was resolved, That the counsel be called in, and told, that they having averred to the lords that the earl's Answer is not yet ready, to ask them what proof they will offer, to give their lordships satisfaction therein. This being done, and some of the lords not receiving full satisfaction therein; it was put to the question, whether, upon that which hath been declared at the bar by the counsel, it be fit to give further time to the earl of Strafford; and it was resolved, That, upon what hath been declared at the bar by the counsel, it is fit to give the earl further time to put in his Answer. And it was resolved, That the earl of Strafford shall put in his final Answer to the Charge of High Treason against him, upon Wednesday next, the 24th inst. peremptorily, without expectation of any further time; at which time the earl is to attend in person.

Feb. 24. This day the king came to the house of lords unexpectedly, for which reason, neither he nor the lords were robed. The king declared to the house, that the cause of his coming now was to hear the charge against the earl of Strafford, and the earl being called to the bar, the Articles against him were read distinctly by the clerk of parliament; with his Answers to each by his lordship's counsel. After which his majesty withdrew. When the king was gone, the lords ordered the lord keeper to resume the house; and commanded the earl of Strafford to be again brought to the bar, (taking all that was done in the king's presence to be no act of the house) and appointed the lord keeper to demand his Answer of him. A question arising, Whether the bishops should be present at the reading of the earl's Answer, being *in agitatione causæ sanguinis?* Their lordships chose to withdraw on that occasion.

The earl's Answer being tendered by him, and read by his counsel, he then asked leave to speak, which being allowed, he said, "That he desired time to examine witnesses in his own defence, and to have the names of those who had been examined against him: to have power to cross examine or except against such witnesses as he should desire: that the deposition of his own witnesses might be taken in writing: and that he might have a warrant from the house to produce his witnesses." Upon which it was ordered, "That no Answer should be given unto the earl, until the house of commons was made acquainted with his request;" and a conference was desired accordingly. It was afterwards granted.

The house of commons was employed, seemingly, all the rest of this month, in getting ready to support the Charge against the earl of Strafford, whose trial began on the 22nd of March; scaffolds being erected in Westminster Hall for that purpose. We meet with the following speech of sir John Wray for a vigorous prosecution of the earl. It seems to have been spoken sometime during this month, but the day is not mentioned.

Sir *John Wray.*—' Mr. Speaker: In this great and weighty cause; we ought seriously to consider, 1st What we have done ourselves already, in the Accusation and Impeachment of this great earl of High Treason. 2nd. Let us remember what we now are; not only parliament-men, but public men, and Englishmen. As parliament-men, let us follow the steps of our ancestors, and be constant to that rule of law which was their guide, and should be ours. As public men, forget not whom we here represent, and by how many chosen and trusted. As Englishmen, let us call to mind the undaunted spirits and stout hearts of those antient heroes, from whom we are descended; how free they were from pusillanimity, and how they scorned all flattery, and slavery. Let us then, now or never, shew that the same

[illegible] upon it extremely. Sdly Let us be well advised what to do in case we shall be denied justice in any particular; upon which depends not only our happiness, but the safety of this parliament, of the kingdom, of ourselves, and of our posterity. And this is my advise.'

Monday, April 6. This day a conference was held, to report to the lords the necessity of expediting the trial of the earl of Strafford, in respect of the present [illegible] in both houses, and of the state of the whole kingdom, which would be much obstructed and prejudiced by the prorogation of it. In consideration of the house's desire as desired their lordships that they would be pleased to prevent all unnecessary delays which might be occasioned by his excursions or impertinent exceptions, which, as they would take up much time in debate, so likewise gave occasion frequent adjournments, which were desired to be avoided.

April 9. The lords and commons being still engaged in attending the Trial of the earl of Strafford, &c. de die in diem, the other proceedings of both houses are very short in their Journals. This day the commons prayed a conference with the lords, the heads of which were to this effect, 'To acquaint them with the great necessities of the kingdom, the preciousness of Time, and how much already had been spent in this Trial; how prejudicial it will be to the kingdom, if any more be spent than has been; and therefore to desire that to-morrow may be appointed for a peremptory day for the earl of Strafford to be heard, if he will come,* otherwise, that the committee of this house may proceed to their Replication to the whole matter, and the earl to be absolutely excluded from saying any more, as to the matter of fact. This request was acceded to by the lords. Upon this occasion,

Sir *John Wray* made the following speech: 'Mr. Speaker; Truth is the daughter of time, and experience the best schoolmaster, who hath long since taught many men and estates the sad and woful effects of an half-done work: those convulsions and rending pains, which the body of Great Britain now feels, shew us, that the ill humours and obstructions are not yet fully purged, nor dissolved.—Mr. Speaker, God will have a thorough work done; if instead of redressing evils, we think to transact all, by removing of persons, and not things, well may we lull our troubles for a season, but they will return with greater violence. For, believe it, Mr. Speaker, let us flatter ourselves as we please, a dim-sighted eye may see, that although we think we have now passed the equinoctial of the *Straffordian* hoe, and seem to have gone beyond *Canterbury*, yet the factious and undermining agents of our religion grow daily more and more powerful, and, no doubt, do labour an extirpation of all parliaments, and men too, that will not think, say, and swear to their opinions and [illegible] Have we not then Mr Speaker, a wolf by the ears? Is there any way to get [illegible] wolf-free, but one? Then let us take and forsake that old English parliamentary way which is *tuta tuta*, and will bring us safely to journey's end. This is my humble motion.'

Sir H. Vane's Notes of Opinions in [illegible] produced against the earl of Strafford.

10. An affair of the utmost consequence to the earl of Strafford, since it cost him his life, came before the commons. Preparatory to which the doors of the house were ordered to be shut, the key brought up, and none to go out or in, but leave then Mr. Glynn reported from the committee in the earl of Strafford's Case, That they had some further evidence to corroborate the latter part of the 23d Article against him, whereupon sir Henry Vane, the younger, and Mr Pym, were enjoined by the house to declare their whole knowledge concerning the matters contained in that Article against the earl, and how and by what means they came by it. When they had done this, a Paper† was produced by Mr Pym, and so much of it read by him as concerned the earl of Strafford, but afterwards he was ordered to read it all. Notice being then given that a message from the lords waited at the door, they were ordered to be called in; but all the members to keep their seats, and none to stir out without leave.—The further examination of this business is left short in the Journals; it is only said there, That the treasurer, sir H. Vane, was enjoined by the house to answer, Whether he did take any Notes to the effect of those notes already read, at what time, and upon what occasion? The Answer is omitted; and this is all which is said, therein, at this time.

On the same day a bill for the Attainder of Thomas earl of Strafford, for High Treason, was read a first time in the house.

April 12. Heads of a conference to be desired with the lords were agreed in the house. "1st, A Narrative of the Evidence mentioned on Saturday last, to which two members of this house were ready to depose. 2dly, That the house having taken it into consideration, did conceive it very material, but, in regard of the danger and distractions of the present times, and that much time may be spent in the debate touching the admitting of this Evidence, they resolve to come to a general reply, setting aside that evidence for this time, &c. 3dly, That upon occasion of discovery of this Evidence,† a Paper was read in the house whereby

* The Earl had been taken ill of a violent fit of the stone the night before. Whitlocke.

[illegible]

* In a marginal note of the printed Journals, we are told, "That this Paper was a Copy of Notes, taken at a Grand of the privy council, for the Scots Affairs, about the 5th of May last. Commons Journals, Vol. II. p. 118.

† Mr. Whitlocke gives the following Account of the Discovery of this Paper of Notes, taken by Secretary Vane of some Opinions delivered at the Council Table, the morning of the day the last parliament was dissolved, thus: "Se-

did appear, that at the same time the dangerous words were spoken by the earl of Strafford, touching the bringing the Irish army into England, other words were then spoken by two others, then present, decyphered by these letters, *L. Arch. L Cott.* (by which we conceive is meant the lord archbishop of Canterbury and lord Cottington) very full of pernicious counsels to the king, and slander to the commons assembled in the last parliament, as would appear by the Paper, if their lordships would please to have it read, which the committee is commanded to read, and leave it to their consideration: and to desire their lordships will take some course that it may be duly examined by whom these words were spoken, that there might be some further proceedings to prevent the dangers that may ensue thereupon; and that these counsels may be looked into, and searched to the bottom."

The conference being held, as was desired, Mr Glynn reported to the house, 'That the lord steward did speak for the rest of the lords, and told them, that the lords had agreed this house may proceed as formerly was intended, before the offer of further Evidence was proposed: the lord Strafford to recollect his Evidence first, and, that being done, the members of the house of commons to state theirs. All this to be ended to-morrow morning, of which they would give the earl of Strafford notice.

Mr Whitlocke informs us, That the next day, April 13, the earl being brought to Westminster, and both houses being met, the Notes were openly read the title of them was, "No Danger of a War with Scotland, if offensive, not defensive." Then followed the Opinions interlocutory:

K. C.* "How can we undertake an offensive war, if we have no more money?"

L. L Ir† "Borrow of the city 100,000*l.* go on vigorously to levy Ship Money; your majesty having tried the affection of your people, you are absolved and loose from all rule of government, and to do what power will admit. Your majesty having tried all ways, and being refused, shall be acquitted before God and man: and you have an army in Ireland, that you may employ to reduce this kingdom to obedience; for I am confident the Scots cannot hold out five months."

L. Arch‡ "You have tried all ways, and have always been denied, it is now lawful to take it by force."

L Cot‖ "Leagues abroad there may be made for the defence of the kingdom: the lower house are weary of the king and church: all ways shall be just to raise money by, in this inevitable necessity, and are to be used, being lawful."

L. Arch "For an offensive, not any defensive war."

L. L. Ir. "The town is full of lords, put the Commission of Array on foot, and if any of them stir we will make them smart."

To this the earl answered, "That it were hard measure, for opinions and discourses by privy counsellors, in a debate in council, to be prosecuted under the notion of treason. 1. As to the words, 'That the king had no army in Ireland to reduce this kingdom,' they are only proved by the single testimony of one man, Secretary Vane; which is not of validity enough in law, in matter of debt, much less in point of life and death. 2. That the secretary's deposition was exceeding dubious, for, upon two examinations, he could not remember any such words, the third time his testimony was not positive, that that I spake those words, or the like: and words may be very like in sound, yet differ much in sense. 3. That there were present at the debate but eight privy counsellors (two of them (the archbishop and secretary Windebank) cannot be produced. Secretary Vane affirms the words, I deny them. That remain for evidence, the marquis of Hamilton, the earl of Northumberland, the lord treasurer, and the lord Cottington. All these have declared upon their honours, that they never heard me speak those words, nor any the like. 4. Suppose I spake the words, which I grant not, yet cannot the word *this* rationally imply England, as is yielded on all hands, because England was not out of the way of influence, as the earl of Clare well observed, and he was there never was any the least intention of sending the Irish army in England as the lords of the council are able to attest."

Mr Whitlocke proceeds thus: "That the foregoing Paper, of great consequence, was missing at the committee, and by the earl's Answer, it was supposed he had it; and that it was conveyed to him by Mr Pym, some of the committee: that he, being at the office and hearing the chirke and custos rotulorum, the papers was suspected more than one stolen or secreted this piece of treachery." He adds, "That great inquiry and search was made for the Paper, but it could not then be found. He told them

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cretary Vane being out of town, sent a letter to his son, sir Henry Vane, the younger, then in London, with the key of his study, for his son to look in his cabinet for some papers there, to send to his father. The son looking over many papers, among them lighted upon these Notes, which being of so great concernment to the public, and declaring so much against the earl of Strafford, he held himself bound in duty and conscience to discover them. He showed them to Mr Pym, who urged him, and prevailed with him, that they might be made use of in the evidence against the earl of Strafford, as being most material and of great consequence, in relation to that business."

* K. Charles.

† Lord Lieut. of Ireland, Earl of Strafford.

‡ Archbishop Laud.

‖ Lord Cottington. By these abbreviations the foregoing persons were supposed to be intended.

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when it was missing, and that amongst such a multitude of papers as he had in his custody, it was not easy to see that he had them all again, when they were brought forth, or any of them called for: that he never shewed this paper to any but the committee, and knew not who had it, or what was become of it, nor did he convey it, or know of any that had conveyed it away. But this would not serve; the house was acquainted with the missing of the Paper, and they ordered, 'That every one of the committee should make a solemn protestation in the house, that they did not convey it away, nor knew what was become of it.' All of them made this protestation, and the lord Digby with more earnestness and deeper imprecations than any of the rest; yet afterwards, at the Battle of Naseby, the king's cabinet being taken, among the papers in it was a copy of these Notes, under the lord Digby's hand; whereby Whitlocke was cleared, and the contriver of the paper to the king, and from him to the earl of Strafford, was fully discovered."

The Earl's Defence.] The earl having delivered his Answer to the additional Proof, the lord steward told him, 'That if he had any thing further to say in his defence, he should proceed, because the court intended to prepare matters for their speedy judgment.' Whereupon he made a summary repetition of the several parts of his former defence, and concluded thus:

"My lords, it is hard to be questioned upon a law which cannot be shewn. Where hath this fire lain hid so many hundred years, without smoak to discover it, till it thus burst forth to consume me and my children? That punishment should precede promulgation of a law, to be punished by a law subsequent to the fact is extream hard: what man can be safe, if this be admitted? My lords, it is hard in another respect, that there should be no token set, by which we should know this offence; no admonition by which we should avoid it. If a man pass the Thames in a boat, and split himself upon an anchor, and no buoy be floating to discover it, he who owneth the anchor shall make satisfaction: but if a buoy be set there, every man passeth upon his own peril. Now, where is the mark, where is the token upon this crime, to declare it to be High Treason?—My lords, be pleased to give that regard to the peerage of England, as never to expose yourselves to such moot points, such constructive interpretations of laws: if there must be a trial of wits, let the subject matter be of somewhat else than the lives and honours of peers. It will be wisdom for yourselves, for your posterity, and for the whole kingdom, to cast into the fire these bloody and mysterious volumes of constructive and arbitrary treason, as the primitive christians did their books of curious arts; and betake yourselves to the plain letter of the law and statute, that telleth us what is, and what is not treason, without being more ambitious to be more learned in the laws of killing, than our forefathers. It is now full 240 years since any man was touched for this alledged crime, to this height, before myself. Let us not awaken these sleeping lions, to our destructions, by taking up a few musty records, that have lain by the walls so many ages forgotten, or neglected.—May your lordships please not to mind this or any other misfortune, for now a precedent be derived from me so disadvantageous, as this will be, in its consequence, to the whole kingdom. Do not, through me, wound the interest of the commonwealth: and howsoever these gentlemen say, they speak for the commonwealth, yet, in this particular, I indeed speak for it, and shew the inconveniences and mischiefs that will fall upon it for, as it is said in the statute, 1 Hen. IV. 'No one will know what to do or say for fear of such penalties.'* Do not put, my lords, such difficulties upon ministers of state, that men of wisdom, of honour, and of fortune, may not, with cheerfulness and safety, be employed in the public. If you weigh and measure them by grains and scruples, the public affairs of the kingdom will lye waste; no man will meddle with them, who hath any thing to lose.—My lords, I have troubled you longer than I should have done, were it not for the interest of those dear pledges a saint in Heaven hath left me.—At this word he stopped a while, letting fall some tears to her memory, then he went on.—"What I forfeit myself is nothing; but that my indiscretion should extend to my posterity, woundeth me to the very soul. You will pardon my infirmity, something I should have added, but am not able, therefore let it pass.—Now, my lords, for myself, I have been, by the blessing of Almighty God, taught, 'That the afflictions of this present life are not to be compared to the eternal weight of Glory which shall be revealed hereafter.' And so, my lords, even so, with all tranquility of mind, I freely submit myself to your judgment, and whether that judgment be of life or death, *Te Deum laudamus.*"

Mr Whitlocke sums up his account of the earl's behaviour, in these words; which are the more remarkable as he was chairman of the committee against him, "Certainly never any man acted such a part, on such a theatre, with more wisdom, constancy, and eloquence, with greater reason, judgment, and temper; and with a better grace in all his words and gestures, than this great and excellent person."

* By this act, which the earl here quoted, it was enacted, "That, in no time to come, any Treason be judged otherwise than it was ordained by the statute in the time of the king's noble grand-father, king Edw. 3. whom God assoil." And the reason given for it is, "Because, by an act of 21 Rich. 2. divers pains of Treason were ordained by statute, insomuch that there was no man which did know how he ought to behave himself, to do, speak, or say, for doubt of such pains. Statutes at large, Anno 1 Hen. IV. cap. 10.

did, and he moved the hearts of all his auditors, some few excepted, to remorse and pity.'

April 14. Notwithstanding these proceedings relating to the Trial, the bill for the Attainder of the earl of Strafford went on; and this day it was read a second time in the commons, and committed to a committee of the whole house.*

April 15 Another conference was desired by the commons, relating to the Trial and this Bill; in which, amongst other matters, it was observed to the lords, 'That the evidence of fact being given, it was proposed, from the beginning, to go by way of bill; and that they had accordingly brought in a bill for his Attainder. That the proceedings, by way of bill, stand no way in opposition to the other proceedings that have already been in this business.'—Mr Whitlocke reported from this conference, 'That they were told by the lords that they were not absolutely resolved how the Trial should proceed, that the lord Strafford's counsel should have notice to attend there the next day, and should not speak to any matter of fact, but to matter of law only.'

April 16 This day the commons took into consideration yesterday's report from the lords, concerning the Trial; when it was resolved, "That it is sufficiently proved, that Thomas earl of Strafford hath endeavoured to subvert the antient and fundamental laws of these realms of England and Ireland, and to introduce an arbitrary and tyrannical government, against law."

In the afternoon of this day another conference was desired with the lords on the following particulars. 1. To take notice to them of their lordships Resolution to hear the earl of Strafford's counsel in matter of law only. 2 To put their lordships in mind of a saving the commons had in that point, and further to tell them this, That if, after his counsel shall be heard, any doubt should remain with their lordships, they shall be ready to satisfy them in due time. 3 That to this end, they do intend to send a committee of this house, only to hear what his counsel shall say. 4 To desire that their lordships would be pleased to put an end to this Trial as soon as in justice it may be; to desire also a continuance of their care, that the counsel, under colour of speaking to the matter of law, travel not into matter of fact.

April 19. The same Resolution was made in regard to the earl of Strafford, as on the 16th, with the addition of voting him 'Guilty of High Treason.'

Lord Digby's Speech against the Bill for attainting the E. of Strafford.] April 21, p. m. This afternoon a final determination was put to the bill of Attainder against the earl of Strafford, in the house of commons. It had been debated strongly great part of the morning, till it was ordered to be ingrossed. This ingrossment was made very quick; and, on the third reading of it,

Lord Digby, who had been one of the committee against the earl, spoke as follows: 'Mr Speaker, We are now upon the point of giving as much as in us lies the final sentence unto death or life, on a great minister of state, and peer of this kingdom, Thomas earl of Strafford, a name of hatred in the present age, by his practices, and fit to be made a terror to future ages by his punishment. I have had the honour to be employed by the house in this great business, from the first hour that it was taken into consideration. It was a matter of great trust, and I will say, with confidence, that I have served the house in it, not only with industry, according to my ability, but with most exact faithfulness and service. And I have hitherto discharged my duty to this house and to my country, in the progress of this great cause, so I trust I shall do now in the last period of it, to God and to a good conscience. I do wish the peace of that unto myself, and the blessings of Almighty God to me and my posterity, according as my judgment on the life of this man shall be consonant with my heart, and the best of my understanding in all respects.—I know well, Mr. Speaker, that by some I was censured late, whilst this bill was in agitation, I have caused some prejudices upon me in the cause. Yea some (I think them for their plain dealing) have been so free as to tell me, that I have suffered much by the backwardness I have shewn in this bill of Attainder of the earl of Strafford, against whom I have, formerly, been so keen, so active.—I beg of you, and the rest, but a suspension of judgment concerning me, till I have opened my heart unto you clearly and freely in this business. Truly, sir, I am still the same in my opinions and affections, as unto the earl of Strafford. I confidently believe him to be the most dangerous minister, the most insupportable to free subjects, that can be characterred. I believe his practices in things lyes as high, as tyrannical, as any subject ever ventured on; and the malignity of them heightened, aggrivated by those rare abilities of his, wherein God had given him the use, but the Devil the application. In a word, I believe him to be still that grand apostate to the commonwealth, who must not expect to be pardoned at this world, till he be dispatched to the other, (see p. 551 And yet, let me tell you, Mr. Speaker, my hand must not be to that dispatch; I protest, in my conscience stands informed, I had rather it were off.—Let me unfold to you the mystery, Mr. Speaker: I will not dwell much upon justifying unto you my seeming variance at this time from what I was formerly, by putting you in mind of the difference between prosecutors and judges. How misbecoming that fervour would be in a judge, which perhaps was commendable in a prosecutor. Judges

* This Bill of Attainder was brought in by Sir Arthur Hasleng. Lord Clarendon gives a very long and particular account of it in his first volume, p. 178 to p. 183, fol. edit.

we are now, and must put on another personage. It is honest and noble to be earnest, in order to the discovery of truth; but when that hath been brought so far as it can to light, our judgment thereupon ought to be calm and cautious. In prosecution upon probable grounds, we are accountable only for our industry or remissness, but in judgment we are deeply responsible to God Almighty for its rectitude or obliquity. In cases of life, the judge is God's steward of the party's blood, and must give a strict account for every drop.—But, as I told you, Mr Speaker, I will not insist long upon this ground of difference in me now, from what I was formerly. The truth of it is, sir, the same ground whereupon I (with the rest of the few to whom you first committed the consideration of my lord Strafford) brought down our opinion, That it was fit he should be accused of Treason, upon the same ground I was engaged with earnestness in his prosecution, and had the same ground remained in that force of belief with me, which till very lately it did, I should not have been tender in his condemnation: but, truly, sir, to deal plainly with you, that ground of our accusation, that spur to our prosecution, and that which should be the basis of my judgment of the lord of Strafford, as unto Treason, is, to my understanding, quite vanished away.—This it was, Mr Speaker, his advising the king to employ the army in Ireland to reduce England. This I was assured would be proved, before I gave my consent to his accusation. I was confirmed in the same belief, during the prosecution, and fortified most of all in it since sir Henry Vane's preparatory examination, by assurances which that worthy member, Mr. Pym, gave me, that his testimony would be made convincing by some Notes of what passed at the juncto, concurrent with it; which I ever understanding to be of some other counsellor, you see now prove but a copy of the same secretary's Notes, discovered and produced in the manner you have heard; and those such disjointed fragments of the venomous part of discourses, no results, no conclusions of councils, which are the only things that secretaries should register; there being no use of the other, but to accuse and bring men into danger.—But, sir, this is not that which overthrows the evidence with me, concerning the army in Ireland, nor yet, that all the rest of the juncto remember nothing of it, but this, sir, which I shall tell you, is that which works with me, under favour, to an utter overthrow of his evidence, is unto that of the army of Ireland, before, whilst I was prosecutor, and under tye of secrecy, I might not discover any weakness of the cause, which now, as a judge, I must. Mr. Secretary was examined thrice upon oath, at the preparatory committee. The first time he was questioned to all the interrogatories; and to that part of the 7th, which concerns the Army in Ireland, he said positively these words, 'I cannot charge him with that;' but, for the rest, he desires time to recollect himself; which was granted him.—Some days after he was examined a second time, and then deposes these words concerning the king's being absolved from rules of government, and so forth, very clearly. But being pressed to that part, concerning the Irish Army, again, he said, He could say nothing to that.—Here we thought we had done him, till divers weeks after, my lord of Northumberland, and all others of the juncto, desiring to have heard any thing concerning those words, of reducing England by the Irish army, it was thought fit to examine the secretary once more; and then he deposes these words to have been spoken by the earl of [illegible] to his majesty, 'You have an Army in Ireland, which you may employ here to reduce (or some words to that sense) this kingdom'—Mr. Speaker, these are the circumstances which, I confess with my conscience, thrust quite out of doors that grand Article of our Charge, concerning his desperate advice to the king, of employing the Irish Army here.—Let not this, I beseech you, be driven to an aspersion upon Mr Secretary, as if he should have sworn otherwise than he knew or believed, he [illegible] worthy to do that, only let thus much be inferred from it, that he who twice upon oath, with time of recollection, could not remember any thing of such a business, might well a third time misremember somewhat (and in this business the difference of one letter, *here for there*, or *that* for *this*, quite alters the case; the latter also being the more probable, since it is confessed on all hands, that the debate then was concerning a war with Scotland and you may remember that, et the bar, he once said 'to employ there!' And thus, Mr Speaker, I have faithfully given you an account, what it is that hath blunted the edge of the hatchet, or bill, with me, towards my lord Strafford.—This was that wherenpon I accused him with a free heart, prosecuted him with earnestness, and, had it to my understanding been proved, should have condemned him with innocence; whereas, now, I cannot satisfy my conscience to do it. I profess, I can have no notion of any body's intent to subvert the laws, treasonably, but by force; and this design of force not appearing, all his other wicked practices cannot amount so high with me.—I can find a more easy and more natural spring, from whence to derive all his other crimes, than from an intent to bring in tyranny, and to make his own posterity, as well as us, slaves, from revenge, from pride, from avarice, from passion, and insolence of nature. But had this of the Irish Army been proved, it would have diffused a complexion of treason over all; it would have been a withe indeed to bind all those other scattered and lesser branches, as it were, into a faggot of treason.—I do not say but the rest may represent him a man as worthy to die, and perhaps worthier, than many a traitor. I do not say but they may justly direct us to enact, that they shall be treason for the future. But God keep me from

giving judgment of death on any man, and of guilt to his innocent posterity, upon a law made posterior? Let the mark be set on the door where the plague is, and then let him that will enter die. I know, Mr Speaker, there is in parliament a double power of life and death, by bill, a judicial power, and a legislative: the measure in the one is, what is legally just; in the other, what is prudentially and politickly fit for the good and preservation of the whole: but these two, under favour, are not to be confounded in judgment. We must not piece up want of legality with matter of convenience; nor the defalcance of prudential fitness, with a pretence of legal justice.—To condemn my lord of Strafford, judicially, as for Treason, my conscience is not assured that the matter will bear it. And to do it by the legislative power, my reason, consultively, cannot agree to that, since I am persuaded neither the lords nor the king will pass this bill, and, consequently, that our passing it will be a cause of great divisions and commotions in the state.—Therefore my humble advice is, That, laying aside this bill of Attainder, we may think of another, saving only life, such as may secure the state from my lord of Strafford, without endangering it as much by division concerning his punishment, as he hath endangered it by his practices. If this may not be hearkened unto, let me conclude in saying that to you all, which I have thoroughly inculcated in mine own conscience upon this occasion, Let every man lay his hand up in his own heart, and seriously consider what we are going to do with a breath, either justice or murder; justice on the one side, or murder heightened and aggravated to its supremest extent on the other: for, as the case now stands, He who lies with his sister commits incest, but he that marries his sister sins higher, by applying God's ordinance to his lust; so, doubtless, he that commits murder with the sword of justice, heightens that crime to the utmost.—The danger being so great, and the case so doubtful, that I see the best lawyers in diametrical opposition concerning it, I pray every man wipe his heart, as he does his eyes, when he would judge of a nice and subtil object. The eye, if it be pretuncted with any colour, is vitiated in its discerning. Let us take heed of a blood shotten eye in judgment: let every man purge his heart clear of all passions. I know this great and wise body politic can have none; but I speak to individuals, from the weakness which I find in myself. Away with personal animosities, away with all flatteries to the people, in being the sharper against him, because he is odious to them; away with all fears of lest by the sparing his blood they may be incensed; away with all such considerations, as that it is not fit for a parliament, that one accused by it of Treason should escape with life. Let not former vehemence of any against him, nor fear from thence that he cannot be safe while that man lives, be an ingredient in the sentence of any one of us. Of all these corruptives of judgment, Mr. Speaker, I do, before God, discharge myself; in the integrity of my heart and do, with a clear conscience, wash my hands of this man's blood. In this I desire to put no trust, that my vote does not the taking off the earl of Strafford's life.'

The question being then put for passing the bill against the earl, it was carried in the affirmative, 204 against 59. Mr. Pym was ordered to carry this bill up to the Lords, and to express to them, 'That it was a bill that highly concerned the commonwealth in the expediting of it.'

The foregoing speech of lord Digby gave such offence to the house, that a motion was made, "That the Lord Digby explain himself for something he said here this afternoon, at the passing of the bill of Attainder of Thomas earl of Strafford, to-morrow morning." The next day the lord Digby did explain himself; but nothing further was done in the business at that time; though, not long after, when this speech was printed, a heavy censure fell upon it.

April 28. Mr Hyde was sent up to the lords, 'To acquaint their lordships that this house had received such information, as hath caused them to fear that the earl of Strafford may have a design to escape, that he has ships at sea at command, and that the guard about him is weak: therefore to desire their lordships he may be close confined, and his guard strengthened.' Mr Hyde brought for Answer, 'That their lordships had before given directions to the lieutenant of the Tower, that he should be a close prisoner, and to take care for a strong guard, but that they would repeat their direction upon it.'

April 29. This day was wholly taken up with hearing the plea of law of council, in Westminster-hall, relating to the earl of Strafford. And, on the next, the commons ordered 'That the solicitor should bring in a perfect Copy of his argument made upon that occasion, and likewise that Mr Pym give in copies of his speeches, made by him in Westminster-hall, both at the beginning and the latter end of the trial of the earl of Strafford.

The King's Speech in favour of the E. of Strafford.] May 1. The King came to the house of peers, and, being seated in the throne, he commanded the house of commons to be sent for, and then spoke to both houses as follows:

"My lords and gentlemen; I had not my intention to speak of this business, which causes me to come here to-day, with the Impeachment of the earl of Strafford, because I would do nothing that might hinder our occasions; but now as it comes to pass, that, of necessity, I must have part in that Judgment, I think it most necessary for me to declare my conscience therein. I am sure you all now that I have been present at the hearing of this great business, from one end to the other; that which I have to declare unto you is shortly this, that, in my conscience, I cannot condemn

hun … and parliament-men came by … forth to pass with their coach … them for justice against … and other; crying that … through the want of due … that trading was so … that they could scarce get bread … their families." The lords … generally gave them good … them, the lord high steward … called with greatest clamour, … each, some other of the lords … said, with his hat in his hand, … them to be quiet, and what lay in … power … be done, and he would likewise … his majesty, that justice might be executed … to their requests and accordingly, … lord high steward, and some other lords, … to the king, (who purposed to be at the house … morning, his barge waiting at the … stairs for that end, but, by reason of the tumult, … did not come) and acquainted him with … complaints and desires, … majesty thereunto: and, upon their return, … them the citizens, that his majesty had promised … they should have speedy execution of justice to … their desires."

Names of the Commoners who voted against the Earl of Strafford's Attainder posted up.] Dr Nalson informs us, "That when the earl of Holland came out to take coach, they redoubled their cry; and, coming up to the earl of Bristol's coach, some of them told him, 'For you, my lord of Bristol, we know you are an apostate from the cause of Christ, and our mortal enemy; we do not therefore crave justice from you, but shall shortly crave justice upon you, and your false son the lord Digby.' They also posted up the names of all the members who had voted for the earl, under the following title:

"These are the STRAFFORDIANS, Betrayers of their Country.

The Lord Digby	Sir Patricius Curwen
Lord Compton	Sir Richard Lee
Lord Bockhurst	Mr. Gervase Holles
Sir Thomas Fanshaw	Mr. Sydney Godolphin
Sir Robert Hatton	Mr. Cook
Sir Edward Alford	Mr. Coventry
Sir Nicholas Slanning	Mr. Kirton
Sir Henry Shogsby	Serjeant Hyde
Sir William Portman	Mr. Taylor
Sir Thomas Danby	Mr. W. Weston
Sir George Wentworth	Mr. Griffith
Sir Frederic Cornwallis	Mr. Seawen
Sir William Carnaby	Mr. Bridgman
Sir Richard Winn	Mr. Fettyplace
Sir Gervase Clifton	Dr. Turner
Sir W. Widdrington	Mr. Pollard
Sir Peter Wentworth	Capt. Price
Sir William Peonyman	Mr. Trevanion.
Sir John Strangeways	Mr. Jean

Whitlocke calls them a rabble of about 6000 out of the city, who came thronging down to Westminster, armed with swords, cudgels, and staves; and imputes this tumult to the pulpits, from some of which had been preached to the people, the day before, 'the necessity of falling upon those great delinquents now to be acted.' Memorials, p. 34.

* The earl of Arundel, who was … during the sickness of the lord keeper … Clarendon.

Mr. Edgcumbe	Mr. R. Arundel
Mr. Ben Weston	Mr. Newport
Mr. Selden	Mr. Hollant
Mr. Alford	Mr. Nowel
Mr. Lloyd	Mr Chicheley
Mr. Herbert	Mr. Mallorey
Mr. Digby	Mr. Porter
Sir Charles Price	Mr White
Mr. Parry	Mr. Warwick

Mr. Whitlocke tells us, "That this was complained of by some who were named in the bill, as a high breach of the privilege of parliament; yet, being the act of a multitude, no redress was endeavoured."—Lord Clarendon says, "That these unheard-of acts of insolence and sedition continued so many days, till many lords grew so really apprehensive of having their brains beaten out, that they absented themselves from the house; and others, finding what seconds the house of commons was like to have to compass whatever they desired changed their minds; and so, in an attempt, when, of fourscore who had been present the year, there were only 10 lords in the house (the good people still crying at the door for Justice) they put the bill to the question, and, 11 lords only dissenting, it passed that house.

The Commons resent the King's Speech in Parliament.] The next thing we find remarkable, in the commons, is a Report of the King's last speech, given by the Speaker, at the command of the house; at which, Rushworth says, they seemed to be much troubled and discontented; and it was ordered, 'That Mr Selden, Mr. Whitlocke, and Mr. Glyn should immediately retire into the committee-chamber, to insert a clause in the Subsidy bill; 'That neither the passing of that bill, nor any other, should determine this Session of Parliament.' Lord Clarendon adds, "That the commons, in great passion and fury, declared the last act of his majesty to be the most unprecedented breach of privilege that had ever happened: that if he may might take notice what bills were passing in either house, and declare his own opinion, it was to foreclose their counsels, and they should not be able to supply the commonwealth with wholesome laws, suitable to the diseases it labour'd under: that this was the greatest obstruction of justice that could be imagined: that they were bound to maintain the privileges of parliament, which were now too grossly invaded and violated with many sharp discourses to that purpose."

May 7. The lord chief justice of the King's Bench delivered in to the lords, the unanimous Opinion of all the Judges present. "That they are of opinion, upon all which their lordships have voted to be proved, that the earl of Strafford doth deserve to undergo the pains and forfeitures of High Treason by Law."

Bill of Attainder passed.] The day the Bill of Attainder passed the Lords, without any amendment or debate. Immediately upon this, a conference was desired by the commons; the substance whereof was, "That in regard the peace of the kingdom doth much consist in the dispatching of the bill of Attainder of Thomas earl of Strafford, to desire their lordships to move his majesty, as speedily as may be, to give his concurrence." Mr Pym brought word back to the house, "That the lords would join with them to attend his majesty, according to his appointment at 4 this afternoon, in the Banqueting-house, Whitehall." But the Answer the King first gave to both houses, was, "That he would take the case of lords on Monday morning at 10 o'clock, in order to give his assent to the two bills."*

The King's reasons for passing this Act.] The King had perplexed two different sorts of people, and several parties, Rushworth says, "That the day before, being Sunday, his majesty called his council to Whitehall, and produced unto them a paper, written all with his own hand, and read it unto them, and left it with them, to consider of it, and to give their opinions upon it, which they did accordingly, and the next day, being Monday, he came to the House of Peers, for the more solemn passing of the bill, and then declared unto them, that although he was very unwilling to consent to the death of any man, yet, in regard of the great fears and jealousies of his people, he was willing that justice should have its course." Bishop Burnet (whom Dr John Wilkins informed) says, "That the King, when he was in public, could not, or at least did not, consult any body, but he had some few persons with whom he used to advise in private, and of these Juxon was one; that the question was not, Whether he should hurt the earl of Strafford, but, Whether he should pass with it? That the conscience of a king to preserve his people, and the conscience of a husband to preserve his wife, the consequence of a father to preserve his children, all these were much stronger weighed than about the conscience of a single man, which comes to nothing more than the preservation of a friend's reputation."

* Nalson and Whitlocke say, "There were 59 for the earl, and 26 against him; which agrees with the Lords Journals. The noble historian is very inaccurate in regard to the dates of parliamentary proceedings."

* The King complained of the severity, by their delusive advice, which had ruined him, not eased him of his scruples."—Nalson, Vol II. p. 192.

† Clarendon, Vol I. p. 205.—Whitlocke' Memorials, p. 44.

And by such unprelatical, ignominious arguments (says lord Clarendon) he, in plain terms, advised him, even for conscience sake, to pass that act.' He adds, 'Though this bishop acted his part with more prodigious boldness and impiety; others of the same function (for whose learning and sincerity the king and the world had greater reverence) did not what might have been expected from their calling or their trust.'—Mr Whitlocke adds, That the chief motive was a Letter which the earl of Strafford sent to the king,* wherein we find the following remarkable passage, viz "With much sadness, I am come to a resolution of that which I take to be best becoming me, to look upon that which is most principal in itself, which, doubtless, is the prosperity of your sacred person and the commonwealth, infinitely before any private man's interest: and therefore, in few words, as I did put myself wholly upon the honour and justice of my peers so clearly, as to beseech your maj. might please to have spared that declaration of yours on Saturday last, and entirely to have left me to their lordships, so now, to set your majesty's conscience at liberty, I do most humbly beseech your majesty, in prevention of mistakes which may happen by your refusal, to pass this bill; and, by this means, to remove (praised be God, I cannot say, this accursed, but I confess) this unfortunate thing forth out of the way, towards that blessed agreement, which God, I trust, shall ever establish between you and your subjects. Sir, my consent shall more acquit you herein to God, than all the world can do besides. To a willing man there is no injury done."

In fine, the king gave orders for a commission to impower the earl of Arundel, the lord privy seal, and other lords, to give the royal assent to the bill for the Execution of the earl of Strafford, as also to another bill, for the 'Continuance of the present parliament,' on which Mr. Whitlocke observes, "Great censures were past upon the king's passing these bills, the one being against his most faithful servant, and the other against himself; and that he should ever be brought to it, was admired by most of his subjects, as well as foreigners." He adds, "That when the earl read the news of the king's having passed the bill, (as not believing he would have done it) he rose up from his chair, lift up his eyes to heaven, laid his hand on his heart, and said, 'Put not your trust in princes, nor in the sons of men, for in them there is no salvation.'

May 10. In consequence of this commission, a message was sent from the lords to the commons, by the gentleman usher of the black rod signifying, "That his majesty's assent to the bill of Attainder was then to be given, and that the king did expect the Speaker and the house of commons to come up." After the commons were come, a commission was read, under the great seal, directed to the lord privy seal, the lord great chamberlain, and the steward, or any two of them, for giving royal assent to two bills, the one entitled, Act of Attainder of Thomas earl of [illegible] of High Treason;' the other, 'An Act [illegible] vent Inconveniences which may happen untimely adjourning, proroguing, or [illegible] of this present Parliament.' But before commission was read, the lord privy seal declared to both houses, "That it was his intent to have come himself, as the king give his assent, in person, to the two bills; some important occasions had prevented and so he had sent a commission for that purpose."

The King's Letter to the Lords for respite the Execution of the earl of Strafford.] May. The King sent a Letter, written with his own hand, to the house of lords, by his highness the prince; which was delivered to the lord keeper, and read in hæc verba:

"My lords; I did yesterday satisfy the justice of the kingdom, by passing the bill of Attainder against the earl of Strafford; mercy being as inherent in, and inseparable from a king as justice, I desire, in this case, in some measure to shew that likewise, suffering that unfortunate man to fulfil the natural course of his life in a close imprisonment, yet so that, if ever he make the least offer to escape, or offer directly, or indirectly to meddle in any sort of public business, especially with me, either by message or letter, it shall cost him his life, without further process. This, if it may be done without the discontentment of my people, will be an unspeakable contentment to me. To which end, as in the first place, I by this letter, do earnestly desire your approbation; and, to endear it the more, have chosen him to carry it, that of all your house is most dear to me: so I desire that, by a conference, you will endeavour to give the house of commons contentment, likewise assuring you, that the exercise of mercy is no more pleasing to me, than to see both houses of parliament consent, for my sake, that I should moderate the severity of the law in so important a case. I will not say that your complying with me, in this my intended mercy, shall make me more willing, but certainly will make me more chearful, in granting your just Grievances but, if no less than his life can satisfy my people, I must say, 'fiat justitia.' Thus, again, recommending the consideration of my intentions to you, I rest

Your unalterable and affectionate Friend,
Whitehall the 11th of May, 1641. CHARLES R.

"P. S. If he must die, it were charity to reprieve him till Saturday."

This letter having been read a second time, after serious consideration, the house resolved, "Presently to send 14 of the peers, [illegible] to the king, humbly to signify, that neither of the two intentions expressed in the letter, could, with duty to them, or without danger to himself, to his dearest consort the queen, and

* This Letter at large, is in Rushworth, &c.

the young princes, their children, possibly supplied with" all which being done so[lemnly], and the reasons shewn to his majesty, suffered no more words to come from them; but, out of the tenderness of his heart to the observance of justice, and for the contentment of his people, told them, "That what he intended by his letter was with an [in]tent, if it may be [no] discontentment of my people; if that cannot be, I say again, the same that I writ, *fiat justitia*. My mother in relation, proceeding out of charity for a few days respite, was upon partial information that his estate was so distracted, that it necessarily required some few days for settlement thereof." Whereunto the lords answered, "Their purpose was to move unto his majesty for favour to be shewn to his innocent children; and if himself had made any provision for them, that the same might hold." This was well [ta]ken by him who thereupon parted from the lords and his majesty's parting with[drew] from the Letter itself which he had sent; but it was pleased to say, "My Lords, What I have written to you, I shall be content [to] have by you in your house. In [the] mean time, I hope you will use it to [your] honour." Upon the return of the lords to their house, and the report of this made, it was ordered "That if any copies of the king's Letter were [re]quired, the foregoing lines, which were the [sub]stance of the letter, should be added to it."

The same day the lords came to a resolution, to be suitors to his majesty in behalf of the sons, daughters and lady of the earl of Strafford; that in case there be no provision made for them by the said earl, to present them to the king's goodness, and that he will be pleased to take them into his mercy and consideration. Likewise to desire his majesty, That the creditors of the said earl, and those that have petitions depending in this house for reparations to them, for which there is a proviso, or order, made in this house, may be taken into his majesty's consideration.

May 12. This day, at noon, the earl of Strafford was beheaded on Tower-hill. "He discourse on the scaffold," says Rushw. "was full of decency and courage," He feared, he said, 'that the omen was bad for the intended Reformation of the State; that it commenced with the shedding of innocent blood.' Having bid a last adieu to his brother and friends who [in]vailed him, and having sent a blessing to his other relations who were absent, 'and now,' said he, 'I have nigh done! One stroke will make my wife a widow, my dear children fatherless, deprive my poor servants of their master, and separate me from my [in]timate brother and all my friends! But [bles]sed be to you and them all in all." Going [to] the block, and prepare himself for the block, [and] 'Welcome, welcome, dear death!' said he, 'for this is the way to my God, my God,' said he, 'that I am not afraid of death nor am daunted with any terrors, but do as cheerfully lay down my head at this time, as ever I did when going to repose.' With one blow was a period put to his life by the executioner."

The Proceedings against Mr. Burton reversed. [Com. Jour.] March 24. The commons resolved, 1. "That the sentence in the Star-Chamber against Mr Burton, is illegal, and without any ground, and ought to be [re]versed, and he to be freed from the fine of [5000 *l.*] and imprisonment in that sentence. 2. That he ought to be restored to his degrees taken in the university, and to his benefice in Friday-street London. 3. That he and the rest of the combined and confederated with them, shall pay Mr Prynne for his losses, and for his imprisonment there, as the house shall adjudge. 4. That he ought to have his costs and recompences for the [da]mages sustained by his said [sen]tence, and other illegal proceedings."

Mr. [Pr]ynne moved for the unlawful [pro]ceedings and proceedings in the Star Chamber, and that a writ might be issued out for [him], and that he might not be [pre]judiced by a bill in this House, and [ord]ered, That the [Com]mittee for [Relig]ion do proceed with the matter.

The Earl of Holland appointed to disband the Armies. [Com. Jour.] April 15. At a conference of both houses about the Disputes and Disorders of the three Armies, which were sudden, to be disbanded, the earl of Holland delivered, 'That his majesty had been pleased to nominate him as general for that purpose, upon which he spake very kindly in the way of all acknowledgment for great favour extended to him, many of that honourable assembly being more deserving, as he said, and in [all] capable than himself, nevertheless accounted himself very happy to be made an instrument of so much good, for the quiet and ease of the kingdom; and that he [would] be ready to perform the said trust [reposed] in him, and in duty to the king, and the [kingdom].' †

Resolutions in favour of Mr. Prynne, and Dr. Leighton. April 20 Mr Rigby reported [the] petition, to whose consideration [was] referred, the Case of Mr Wm. Prynne, [and] Dr. Leighton, whereupon the commons resolved, 1. "That the Sentence given against him in the Star-Chamber, Feb. 17. anno 9 Car. [was] illegal and given without just cause and [in] a high degree cruel, and that he ought to be discharged of the fine of 5000 *l.* imposed by the said sentence, and of all extents thereupon and of all [fur]ther punishment decreed by the sentence. 2. That he ought to be restored to his degrees in the university of Oxford, and to his [so]ciety of Lincoln's-Inn, and to the exercise of his profession of a utter barrister at law, and to his chamber again in Lincoln's-Inn. 3. That he ought to have reparation for such [losses] and [pro]fits, as he [hath] sustained by [the] said Sentence [and] proceedings.

† Dugdale's Short View, p. 389

† Dugdale Occurrences, p. 80

the S[illegible] against him in the Star-Chamber [illegible] 17, Anno 13 Car is illegal [illegible] ought to be reversed, and [illegible] be discharged of the fine and imprisonment [illegible] reversed, and that he ought to have [illegible] and recompence for the [illegible] that sum, and the [illegible] the warrant, dated [illegible] the Council-table to transporting [illegible] and commit him to the [illegible] imprisonment there, and other [illegible] council, are against the [illegible] subject; and that he ought [illegible] imprisonment, [illegible] the damages sustained [illegible] imprisonment, [illegible] 1000*l* in the hands [illegible] Council-table keeper of the [illegible] lord abp. of York [illegible] Marquess Hamilton, earl of Dover [illegible] Lord Cottington, Sir Wm. lord [illegible] Sir Francis Windebank, and Sir [illegible] ingly, and that [illegible] sanction for the damages [illegible] his imprisonment. It was also ordered, That a Charge be drawn up against Dr Heylin, touching his prosecuting his suit in the Star Chamber against Mr Prynne."

The next day Mr Rous reported the Case of Dr Leighton; when the house came to the following Resolutions: 1. That the attaching, imprisoning, and detaining Dr Leighton in prison, by warrant from the high commissioners, is illegal. 2. That the breaking open his house, and taking away his papers by Edmund Wright their sheriff of London, and not lord mayor, is illegal. 3. That the said Edm. Wright ought to give reparations to him for his damages sustained by the breaking open his house, and taking away his papers, and other goods as aforesaid. 4. That the abp. of Canterbury, then bishop of London, ought to give satisfaction to him for his damages, sustained in 15 weeks imprisonment in Newgate, upon the said bishop's warrant. 5. That the great fine of 10,000*l* set upon him in a sentence in the Star Chamber, is illegal. 6. That the sentence of corporal punishment imposed upon him, the whipping, branding, slitting his nose, cutting off his ears, setting in the pillory, and the execution thereof and imprisonment thereupon, are illegal. 7. That he ought to be freed from the great fine of 10,000*l* and from the sentence of perpetual imprisonment; and to have his hands delivered up, which he entered into for his true imprisonment. 8. That he ought to have good satisfaction and reparation for his great sufferings and damages, sustained by the illegal sentences in the Star-Chamber."

Order for Divine Service to be performed according to Law.] April 22. Upon an Information to the house of lords, That some disorders have lately happened in several churches within the county-Palatine and city of Chester, whereby the Divine Service hath been hindered, or otherwise neglected and ill used; it is therefore thought fit and ordered, That the Divine Service be performed and observed as appointed by the acts of parliament of this realm; and all such as shall disturb this good order, shall be severely punished according to the laws; and the parsons, vicars, and churchwardens in several parishes, shall forbear to use any rites or ceremonies that may give offence, other than those which are established by the laws of the land."

Resolution against the Court at York.] April 24. A committee of the commons house was appointed to inquire into the legality of the proceedings of the High Commission Court at York; this day Mr. Hyde, (afterwards Lord Clarendon,) reported the case of the house, when it was resolved, 1. That the Commission and Instructions, whereby the President and Council in the North have jurisdiction, is illegal, both in the creation and execution. 2. That the court of the president and council in the North, is unprofitable to his majesty. 3. That the said court is burthensome and grievous to his majesty's subjects in those parts."

Petition from the Citizens of London touching Grievances, &c.] This day the following Petition from divers Citizens of London (who, as Rushworth says, by 20,000 were of good rank and quality) was presented to the houses, and was as follows:

"To the Most honourable assembly of the lords and commons in this parliament assembled, The HUMBLE PETITION of divers Citizens of London,

"Sheweth, That notwithstanding his majesty's gracious Answer to the humble Petition of his loyal subjects, in summoning this present parliament with the great care and endeavours taken by both houses, for the redress of the many Grievances in Church and Commonwealth; whereof the petitioners have already received some fruit, for which they do return their most humble and utmost thanks; yet, nevertheless, they are enforced, with all humility, to represent to this most honourable assembly, some of those obstructions which do still hinder that freedom and fulness of joy in this city which they formerly had, and without which, considering the numerous calamities upon depending, they conceive this city cannot comfortably subsist.—As the Condition of the Kingdom, ever since the Troubles in Scotland, hath caused both strangers, and also some of our own, who did furnish great sums of money to use, to call in and remit much of it, by exchange, into those parts, who stand now in expectation of the issue of the thing may be.—The Money in the Mint; which, till then, is accounted the safest place, and surest staple in these parts of the world, still doth [illegible] the importation of bullion: the Scots now disabled to pay such debts as they owe to the petitioners

and others in the city; and, by reason of the oppressions exercised in Ireland, their debts also are detained there. The English Trade, by [illegible] of our general distractions and fears, is so much decayed, that country tradesmen cannot pay their debts in London as formerly. —The great sums of money unduly taken by [illegible] in jesty's officers and farmers, for impositions upon Merchandize exported and imported, and the want of relief in Courts of Justice against them. The drawing out from the city great sums of money (which is the life and spirit of trade) for his majesty's service in the North; and being there employed, is not yet returned.—Besides all which, from what strong and secret opposition the petitioners know not, they have not received what so much time and pains might give them cause to hope; but still incendiaries of the kingdom, and other notorious offenders, remain unpunished the [illegible] of the Church, notwithstanding many petitions concerning it, and long debates about it, remain unsettled the Papists still armed; the laws against them not executed; some of the most notorious of them still at court; Priests and Jesuits not yet banished, the Irish Popish Army not yet disbanded; courts of justice not [illegible] ed, and the earl of Strafford, (who, as we apprehend, hath counselled the [illegible] hindering of this city, and putting it to fine and ransom, and said, 'It never would be well till some of 'them' Heads were hanged up,' because they would not yield to illegal levies of money hath [illegible] drawn out and spent time in his business, to the very great expence and charge of the whole kingdom, and his endeavour to obtain [illegible] al which makes us fear there are [illegible] ces now in hand to hinder the [illegible] ir just endeavours, and that we be under some more dangerous plot than we can [illegible] ce.—All which premisses, with the fears and distractions growing therefrom, and from the [illegible] of the like nature, the petitioners humbly [illegible] to the more grave consideration of this [illegible] onourable assembly, as being the true [illegible] es of Decay of Trade, Discouragement of Tradesmen, and of the great Scarcity of Money, with other ill consequences they labour under, and [illegible] humbly pray, that their said Grievances [illegible] be redressed, the causes of their [illegible] removed, justice executed upon the said [illegible] and other incendiaries and incendiers, and the rather, in regard, till then, the petitioners humbly conceive, neither their [illegible], nor their lives, liberties, or estate, can be secured. And, [illegible] doubt not, they shall ever pray."

This Petition being read, after some debate [illegible] on, the lord Russel, son to the earl of [illegible] ford, was sent by the commons with a message, to desire a conference, by a committee [illegible] which was then to be held. It was [illegible] ed to return their request to the lord [illegible] with them in another Petition to the [illegible] concerning disbanding the Irish army, [illegible] ming Recusants, and removing Papists [illegible] court.

[illegible] r. Hyde's Speech against the Convey- [illegible] *ral 26.* The lord [illegible] was sent [illegible] e to the [illegible] [illegible] [illegible]

and void in law little doubt can be made) yet whether they exercised that part of the commission at all, or so sparingly exercised it, that poor people found ease and benefit by it, I know not; but, at that time, I find no complaint against it. Till the coming in of king James the commission continued still the same, and that, in the first year of his reign, to the lord Sheffield, varied no otherwise from the former, save only that it had reference to Instructions which should be sent: though whether any new ones were sent or not is uncertain, but we can find none.—In June, in the 7th year of the reign of king James, a new commission was granted to the same person, the lord Sheffield, very different from all that went before; it being left out, that they should inquire 'per Sacramentum bonorum, & legalium hominum,' and to hear and determine 'secundum leges Angliæ,' wherein being had, only, to the Instructions; which were the first Instructions we can find were sent thither. Though I told your lordships there was mention of some Anno 1 Jac. I shall not trouble your lordships with those Instructions, nor with the other that followed in 7 Jac to the lord Sheffield; nor in 16 Jac. when a new commission was granted to my lord Sunderland; nor, indeed, with any till we come to these present Instructions and Commissions, under which that part of the kingdom groans and languisheth.—My lord Strafford came to that government in Dec. 6 Caroli; and since then the commission hath been three several times renewed, in the 5th year, in March; in the 8th, in Nov.; and in the 13th year of his majesty's reign. A new clause was screwed into the commissions of the 8th and 13th, for granting, sequestering, and establishing possessions according to certain Instructions; which crowded in a mass of new, exorbitant and intolerable power. Though our complaint be against this Commission itself, and against the whole body of those Instructions, I shall not mispend your lordships precious time in desiring to have the whole read; but shall presume to trouble your lordships only with 5 or 6 of the Instructions; that, by the vast irregularity of these, your lordships may judge how insupportable the whole burthen is. I shall not trouble your lordships with the 9th Instruction, though it be but short, which introduceth this 'miserum servitutem, ubi jus est vagum, & incognitum,' by requiring an obedience to such ordinances and determinations, as he, or shall be, made by the council-table or high commission-court. A grievance, my lords, (howsoever 'Consuetudo & peccantium claritas nobilitaverit hanc culpam') of so transcendent a nature, that your lordships noble justice will provide a remedy for it; with no less care, I doubt not, than you would rescue the life-blood of the commonwealth.—Read only the 19th, 22d, 23d, 24th, 29th, and 30th. I will not trouble your lordships with reading more; there being among them, of the whole, 58 Instructions, scarce one that is not against, or beside, the law. Whether his majesty may canton out his kingdom to be tried by commissions according to the rules of law, since the kingdom is under the laws and government the courts established at Westminster, that, by this reason, the several parts of kingdom may be deprived of that power will not now be the question. That he cannot, by commission; erect a new Chancery, or a proceeding according to rules of the Star-Chamber, is most clear; who have read Magna Charta; which 'no proceedings,' 'nisi per legale judicium parium, & per legem terræ' for our common Chancery here, by long usage and prescription is grown to be, as it were, lex terræ. But lords, the 30th Instruction goes further, erects such an empire, such a dominion shall be liable to no controul.—The courts Westminster, my lords, have superintendency over all inferior courts, to regulate their jurisdictions, if they exceed their limits, as, to hold pleas of greater value, or the like, in the exercise of their jurisdiction. The judges are to grant and send prohibitions in these cases, and in top the granting of these prohibitions, or to neglect them when they are granted, is the greatest and noblest scorn of the laws, the law-makers, that can be imagined.—The king's courts at Westminster have been, and of that awful and reverent esteem with prior judges, that the instances of such contempts against them are very rare; and very singular are the punishments of this offence. The bishop of Norwich, in Trinity term, in Edw 3 in Rot. 289, in the Comm-Pleas; and, in Hilary term 21 in the King's-Bench was attached for disobeying a Prohibition at the suit of Stracl. Upon full and solemn discussion of the whole matter, the court 'That the proceedings of the bishop were in contemptum, diminutionem Domini Regis potestatis Regiæ, authoritatis suæ rejectionem, & coronæ suæ exhereditationem manifestam, &c' as the words of the record are: therefore adjudged the temporalities of the bishop to be seized into the king's hands, and great, very great, damages to be paid to the plaintiffs. And whosoever gave directions for these stout Instructions might have remembered, that no longer since than 7 Eliz. rot. 1. attachment was granted against the archbp. York, then President of that council, for forbidding the goaler of York to deliver one Lambart his prisoner, who was sent for by a Habeas Corpus from the King's Bench. And if it would have believed the Resolution of all the Judges in England, in Trinity Term, in the 4th of king James, they would have known, that unto it had been to enlarge that jurisdiction; since most of their proceedings, being of an inferior nature to what they are now, were then declared to be illegal, and inconsistent with the liberty of the subject.—Can such a Court as this, my lords, deserve to live? What a compendious abridgement hath York gotten of all the courts in Westminster-

Whatsoever falls within the cognizance
[illegible] of any court there, is come-
dest [illegible] within that one court
[illegible] besides the power [illegible] with
[illegible] cal and high commission court.—What
the good Northern people done, that
only, [illegible] disfran[illegible] all their
granted by Magna Charta and the
[illegible] Right? For to what purpose serve
statutes, if they may be fined and im-
[illegible] without law, according to the
[illegible] of the commissioners? What have they
[illegible] then, more than other of the sub-
this happy island, must be disinherited
[illegible] birth-right, of their inheritance? For
[illegible] means, writs of Habeas Corpus, and writs
Error, are the birth-right, the inheritance
[illegible] subjects.—And 'tis here worth your
[illegible] hip's observation, that to those many
[illegible] bitions, which have been formerly granted
[illegible] above, for, [illegible] to be, the Court of York
[illegible] not the courage to oppose Prohibitions,
[illegible] indeed, till our courts here laid out their
[illegible] range to grant them; we were known
[illegible] near the Court in York picked [illegible] first
[illegible] their quarrel. This, without doubt, they
would have done, having the advantage of
many great persons, under whose protection
they have always been screened, but they not
known that the law could not be [illegible] exceed
high to allow it.—Your lordships remember
the directions [illegible] intended of Magna Charta,
that all precedents shall be per legale judi-
cium parium, & per legem terræ: now these
instructions tell you 'You shall proceed ac-
[illegible] to your discretion.' that you shall
[illegible] what please only, that we may not
expect this discretion will be guided in
order to us than the law, special provision
made, That no fine, or punishment shall be
less than by the law is enacted, no, by re-
asons but as much greater as your discretion
shall think fit: and indeed, in the inten-
tion, we find arbitrary courts are very pre-
[illegible]t, for it the law requires any good division;
this discretion makes me those present
of the law sets me upon the pillory, this dis-
cretion appoints me to lose [illegible] rather.—
But this proceeding, according to their [illegible]
new expression, it was in the first commission I read your lordships of in the House.
That they should proceed, 'secundum legem
& consuetudinem regni Angliæ; videlicet,
[illegible] discretionem vestrum,' which,
[illegible] discretion of the law and [illegible]
[illegible] interpretation, signifies the [illegible]
[illegible] to proceed according to the reason, to
proceed according to law, which is 'summa
discretio,' but not according to their private
[illegible] discretion, for 'talis discretio,' says
the [illegible] 'discretionem bestiæ.' and such a
discretion hath this discretion of the [illegible]
produced, as it discretion only in-
remove from rage and fury, no improvement,
no mischief, no disorder, but [illegible] malice, or
[illegible], or [illegible] [illegible]
[illegible] mand to be done upon that person.
through the [illegible] and power of this discre-
tion, the poor people have fell. This discre-
tion hath been the quick-sand which hath
swallowed up their proper [illegible] their [illegible].
[illegible] which could hips rescue them from this
discretion? Behold the chariot [illegible]
[illegible] [illegible] such [illegible] pranks,
you will easily [illegible] what an unsupportible
burthen the many officers (whose place are of
great value) the attornies, clerks, [illegible] ers, and
above 1000 solicitors that attend the courts,
must be to that people; in much that, in
truth, the country seems to be divided into
officers and dependents upon the court, and
the people upon whom the others of that
court prey and commit rapines; as is said in
Petronius, 'Omnes hic aut captantur, aut
captant, aut undevera quæ lacerantur, aut
corrodentur.' Truly, my lords, these
vexed worn-out people of the North are not
suited to your lordships, to regulate this court,
or to reform the Judges in it, but for extirpating
these Judges, and the utter abolition of
this court they are of Cato's mind, who would
not consent to Cæsar for his life, saying, He
would not be beholden to a tyrant for injustice,
for it was injustice in him to take upon him to
save a tyrannous life, over whom he had no power.'
So these gentlemen desire not to be beholden
to this court, hereafter, for justice, the very
administration of justice itself, founded upon
such illegal principles, being a grievance and
oppression in the subject 1st Upon the whole
matter, the house of commons are of opinion,
That the Commission and Instructions, where-
by the President and Council of the North exer-
cises jurisdiction, in all, [illegible] in the crea-
tion and execution [illegible]d That it is unprofit-
able to his majesty; for besides much, near
1000l. yearly, taken out of his majesty's revenues
every year, his majesty loseth the great bene-
fit which would accrue to him upon writs and
upon fines, upon out law, and other profits,
which redound to his majesty out of his courts
here: and which I had almost forgot to tell
your lordships of, that his majesty may be sure to
have no benefit from this Court, notable care
is taken, by the 53d Instruction, That if any
money remain over and above all disburse-
ments, it shall be bestowed in providing house-
hold-stuff and furniture for the house, where
the lord president and council use to be. Lastly,
That it is inconvenient and grievous to
his majesty's subjects in these parts.—There-
fore the [illegible]le [illegible] your lordships,
that to [illegible] [illegible] on the behalf
[illegible] [illegible] [illegible] in all
matters of duty and affection conjoined with
the best of his majesty's subjects, that they
may not be distinguished from them in the
[illegible] full [illegible] justice and protection
[illegible] the Court, originally instituted, and
[illegible] by [illegible] for the ease and benefit
of his poorer subjects, is apparent perverted
to the burthen and discomfort of them; that
your lordships will join with the house of com-
mons in beseeching his majesty, That the pre-

sent C … was l…
m… —[I…
I … d l…
m… speal… p… s… h… that m… C… com… tes, m… m… M… Tr… fence … spoken … c… ‘so … ‘the … ‘I … It … their … ins… much difficulty, pe… to thing. My stock is he… this … yet, since I have adventured to rise … take the liberty, with your favours, to … myself freely. I have a blunt way … ing my heart. It may be, prejudice … folly to me: but it is a habit I have … will not part with it.—Sir, we are now … the 5th Article of the Scots, which, as … expressed by a noble lord at the conference, … a very pregnant and teeming Article: it hath produced many other; and they such as I must confess and affirm, whatsoever means or artifice they be slighted over with, I do not like their countenance. They are as well be-un younger brother of Scotland: but, like Esau, they seem to me as if they had an aim to supplant us, and take away our birth-right.—Sir, there is no man that hath more claim by … construction of ancient terms than I had, … they made their addresses in humble manner … as betitled subjects to their sovereign. … bounded their … within the … mits of their ancient liberties and … wish nothing but the … freedom of … and christian in their laws and … my heart went along with them, and I … them satisfaction: but now, sir, … them swell to their demand beyond … portion; when their … first propositions, and require … a king to grant, and dishonourable … tion to suffer, I cannot but … upon them. I fear we … bosoms those that will … [Here being interrupted, yet … manding how … on, he proceeded:] … I am sorry for this interruption, … sorry if I have given … clearness of my own thoughts … brought no inventions … full of fidelity and zeal for the … hour and my country, and shall … and now, if you please to … press myself like an Englishman, … their … But Ra-inworth …

'That when the committee met they [illegible] several vote as to [illegible] imposed [illegible]. He then read a list [illegible] in bers of it Con- with the res [illegible], but a great nu ber f bl s therein, it sufficient to [illegible] noti of th pa- out [illegible] the up f Ch- £40,000 [illegible] and Li each; th [illegible], Worcester, and C [illegible], N rwich, r, [illegible], r d [illegible] St [illegible] le [illegible] te- [illegible] d, [illegible], and Island, ch [illegible] ed m Exeter [illegible], W [illegible] r t [illegible], [illegible] d O [illegible] Her- [illegible], h [illegible], [illegible] m r, [illegible] r, [illegible] ter, N w- Bris [illegible], Peterborough, [illegible] ng r, and St [illegible], each [illegible] b ps of th [illegible] and York are [illegible] d; [illegible] are le [illegible] Lincoln, Durham, [illegible].

Another Petition against Popish Recusants.] Apr 30 H. Speaker of the [illegible] commons reports the king's [illegible] [illegible] White Hall, [illegible] the [illegible] [illegible], & viz.

'[illegible] Parliament Having entered [illegible] the [illegible] now in this short [illegible] and [illegible] very [illegible] Concerning the Reme- o Papists I [illegible] am confident [illegible] not [illegible] with [illegible] trust the crown [illegible] [illegible] [illegible] [illegible] I shall only [illegible] [illegible] [illegible] [illegible] I shall go on to so, [illegible] all h n just cause of Scandal [illegible] am informed that the Papists be disarmed [illegible] [illegible] for the Irish Army, [illegible] [illegible] understand that I am already upon [illegible]-banding [illegible] them, but find many difficulties [illegible] be [illegible] [illegible] effecting it therefore it is only requisite [illegible] wish it, but to shew the way how it shall be done, therefore, in this, I shall not be unwilling to have your advice and assistance. But this is not all that I desire, I do wish that the same peace and tranquillity be restored in my dominions, which my father, of happy memory, left me and, to that end, I desire you, according to that duty which you owe to God and your country, that you concur with me for the speedy disbanding of the two other Armies that are in England; to which end there are two things necessary, Money, and the conclusion of the Scots Treaty. I am sure you are masters of the one, and, with me, you are judges of the other, this being a fit time for me to put you in mind of it, [illegible] you have now all the Treaty before [illegible] assuring you, that none of you shall [illegible] more industry and willingness, for the [illegible] of all things, than a peaceable way, than myself."

By Hall's Speech against the Bill for removing Bishops, &c. from intermeddling with Secular Affairs.] May 1. A Bill, 'To restrain Bishops, and others in Holy Orders, [illegible] from intermeddling with Secular Affairs,' [illegible] the [illegible] read up to th [illegible] where [illegible] first time. Upon this occasion,

The Bishop of [illegible], (Dr. Joseph Hall,) spoke as follows: 'My Lords; 'It is the strangest bill that ever I heard since I was admitted to sit under this roof: for it strikes at the very [illegible] and composition of this House, at the [illegible] will was; and therefore were it not for that [illegible] comes from such a [illegible] oman- tion, it is [illegible] not, I suppose [illegible] any [illegible] consideration; but coming [illegible] from [illegible] hands, it cannot but be worthy of your best thoughts and truly, for the main [illegible] of the [illegible] yield to it in it willingly. 'That [illegible] ical and sacred person should not [illegible] taken up with Secular Affairs.' The [illegible] call [illegible] *Deo*, a man of [illegible] [illegible] may not *Secula*; he may [illegible] himself to them upon occasion, but not give himself over purposely to them in short, he [illegible] so at [illegible] [illegible] them as that he [illegible] [illegible] [illegible] [illegible] [illegible] the we gladly yield. Matters [illegible] [illegible] [illegible] are not proper, as an ordinary [illegible], for our function; and, by my consent, shall [illegible] [illegible], was it [illegible] [illegible] [illegible] serve; which, for my part, I never had [illegible] [illegible] with but to [illegible] table way, with no profit, [illegible] me charge, to myself, who [illegible] I shall be glad to be eased

'Fract ni fabrilia Fabri.'

But for me to [illegible] man hence to infer, that some spiritual [illegible] [illegible] not, occasionally, be in a spiritual service of his king or country, and, when it is required by his prince, give his advice in the urgent affairs of the kingdom (which, I suppose, is the main point driven at) is such an [illegible] consequence, as, I dare boldly say, cannot be made good, either by divinity or reason, by the laws [illegible] of God or man; whereas the contrary may be proved and enforced by both. As for the grounds of this bill, 'That the minister's duty is so great, that it is able to take up the whole man; and the Apostle saith, 'tis [illegible], 'Who is sufficient for these things?' And that he who warfares to God, should not entangle himself with this world, it is a sufficient and just conviction of those who would divide themselves betwixt God and the world, and bestow the main part of their time upon secular affairs but it hath no operation at all upon this tenet which we have in hand, That a man, dedicated to God, may not so much as, when he is required, cast a glance of his eye, or some minutes of time, or some motions of his tongue, upon the public business of his king and country.—Those that expect this from us, may as well, and upon the same reason, hold, That a minister must have no family at all, or, if he have one, must not care for it, yea, that he must have no body to tend, but be all spirit. My lords, we are men of the same composition with others, and our breeding hath been accord-

* From the edition of his works, fol. 1688.

ingly; we cannot have lived in the world, but we have seen it, and observed it too; and our long experience and conversation, both with men and books, cannot but have put something into us for the good of others: and now having a double capacity, 'quasi cives, quasi ecclesiastici,' as members of the commonwealth and governors of the church, we are ready to do our best service in both: out of them is now incompatible with the other, the subjects I deem both so united with the church and common-wealth, that they cannot be severed; we know not that one is in the other, but one is the other; both so is the service which we do upon these occasions, both commonwealth, and as possible from spiritual. [illegible] upon the ground, the [illegible] our religion—[illegible] parliaments [illegible] have employed our study [illegible] suler, I beseech [illegible] parliaments, [illegible] that our endeavours will [illegible] same exercise [illegible] afford in the service, so long, [illegible] neither got no [illegible] But [illegible] in the hands, the tender [illegible] that [illegible] conceit of too much [illegible] is done as in taking up the room of [illegible] high court, for surely that [illegible] from votes, yet could [illegible] have place upon the [illegible] allow us ears, but not tongues. [illegible] matter, these objections [illegible] this house is not open to us, but to our profession, which, [illegible] persons, cannot [illegible] respect from [illegible] Jacob'—Neither [illegible] put upon ourselves [illegible] begin, might perhaps [illegible] personal inconveniences, but [illegible] and inheritance [illegible] less ancient than [illegible] years, more—Before [illegible] parliaments, in the Queen's [illegible] we had our place and room [illegible] ever since the Conquerors [illegible] your lordships a just catalogue of them that have sat before me here—but truly, though I have just cause to be mean in my own eyes, yet why, or wherein there should be more unworthiness in me than the rest, that I should be stripped of that privilege which they so long enjoyed though there were no law to hold me here, I cannot see or conceive.—What respect of honour have been put upon the prime clergy of old, both by Pagans and Jews, and Christians and what are still, both within Christendom and without, I shall not need to urge, it is enough to say this of mine is not merely arbitrary, but stands so firmly established by law and custom, that I hope it neither will nor can be removed, except you will shake those foundations, which, I believe, you desire to hold firm and inviolable.—In short, my lords, the church craves no new [illegible] you, and justly hopes you will not be [illegible] pulling down the old as you are the [illegible] sons, and, next under his majesty, the [illegible] patrons of the church, so she and beseeches you to receive her [illegible] compassionate ears, to [illegible] vouchsafe to put [illegible] to [illegible] [illegible] hand here. It is a true word of [illegible] wisest women (except, [illegible] perturbat ecclesiam:' If this be so [illegible] misery of the churches, the [illegible] the life of the laity, in future ages, [illegible] years.—In shut up therefore. Let [illegible] and all manner trades of [illegible] and people, [illegible] and [illegible] [illegible] [illegible] and [illegible] places and [illegible] [illegible] which our pred[illegible] [illegible] [illegible] [

justice go right, and all laws be duly
This motion, Mr Speaker, and mak-
our chief joy, we shall be a
and a happy people: but if we
division hold, and lose our
and old English well-tempered
take heed that our buckler break
mistrust, and lose golden
removal; which let me
our England
ster, with which I conclude

liberties of the subjects, and every person that maketh this Protestation, in whatsoever he shall do, in the lawful pursuance of the same and to my power, as far as lawfully I may, I will oppose, and, by good ways and means, endeavour to bring to condign punishment, all such as shall by force, practice, counsel, plots, conspiracies, or otherwise, do any thing to the contrary in this present Protestation contained. And, further, I shall, in all just and honourable ways, endeavour to preserve the Union and Peace betwixt the three kingdoms of England, Scotland and Ireland; and neither for hope, fear, reward, or displeasure, shall relinquish this my present and real protestation."

This solemn oath put the question, what was fit to be made, and what to be taken by every member of the house, that without one dissented

the same day to the question, a great
had assembled
Pym and came up to
, during an
presented
and subscribed
this
read,
men
to
Lordships
the
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but he re-
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longest,
more re-
what
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the
the

…ough our sides, and gnaw our
…Heir Elder, sed unde medicina?
…ruments were the Catholicon,
…n, which healed our wounds,
… and made up all the breach
…, but of late years they have b
… in the gospel, without efficac
… only as means to the ad
… and discharge their duties
… was beneficial to the
… Nobis cunabile, nec reipu
… as is said in Tacitus;
…, and has was, with a w
… to any maturity or to
… whereas they should be
… which doth blemish
… other hath wrought a
… and his enemies, as the l
… seasonable season, to
… which upholds our laws w
… for parliaments are our
… the land, all other wa
… would be no true
… blood. — This very
… long, hath all
… and strong
… truly say
… of the
… storm,
… would
… like
… the land
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oath, of such persons as shall be presented to them by the members of the other house. And a Memorandum is entered, "That whereas none of the lords the bishops are joined in this commission, it was declared by the house, that it should be no prejudice to their rights, as peers of parliament."—After this the lords sent a Message to the king by three great officers of state, and some other lords, about the request the commons made relating to his majesty's servants, and those of the queen and prince. The Answer was reported back by the earl of Dorset, "That his majesty very willingly granted it; and gave present command to these great officers, that attended him on this occasion, to take notice thereof to all under their charge, that none do depart the kingdom without the king's licence, but be forthcoming upon demand."

The lords of the committee for examining witnesses were enjoined strict secrecy in that affair; and the attorney general, with one of the king's serjeants, who were to attend them, took an oath, there entered, to the same purpose.

May 5. p. m. An order was made by the lords, to impower the constable of the Tower to send to the lord Mayor for the assistance of such a number of the Trained Bands as he shall have need of, in case of any sudden accident that may hereafter happen. The lord mayor also had power given him, by this order, to raise and arm any such number of the Trained-Bands, with powder and ball, as the said constable shall require, for the safe-guarding and keeping the said Tower, when need shal require it. Soon after the lord mayor's power was enlarged, by consent of the king, That, upon any sudden commotion or insurrection, he may draw out so many of the Trained Bands, as may be thought sufficient to suppress it. This afternoon, also, the commons resolved, "That a bill shall be [illegible] to declare and assure the Continuance of present Parliament, from adjourning, proroguing, or dissolving, without the consent of both houses." Mr. Whitlocke to prepare this.

Sentence against Lilburn in the Star-Chamber, voted illegal.] Mr Rouse having read the case of John Lilburn, it was resolved, "That the Sentence in the Star-Chamber given against John Lilburn, is illegal, against the liberty of the subject; and Bloody, wicked, cruel, and tyrannical. And reparation ought to be given to Mr. [illegible] for his imprisonment, suffering, and sustained by that illegal sentence."†

The Commons Suspicion of Danger from the Army.] May 6. A conference with the lords was desired by the commons, and had to; the lord Wharton reported the effect of it to this effect. "That the house of commons have lately presented to their lordships some information which they received concerning ill counsels and practices which have been given to discontent the English army with the proceedings of parliament, and engage them in some design of danger and consequence, &c. The commons have now cause to increase their jealousies, for, being sent for certain persons to be examined in this business, they are not to be found; and answers returned are contrariant and untrue. Great cause to believe they are fled. In particular they named Henry Peres, esq; [illegible] Jermyn, esq; sir John Suckling, Will. Davenant, capt. Billingsly; therefore they desire the lords would join with them that all the ports may be stopped, and some course taken to find them out. And whereas they are informed, that the queen intends to take her journey to Portsmouth, they desire, for the service and respect they owe to her majesty, and the safety of her person; that the king may be moved to desire the queen to defer her journey to Portsmouth, until the bottom of this business be fully known. Lastly, that some course may be taken to satisfy the English Army and, if there be any ill counsels have been carried away by ill counsellors, be known amongst them, that, if they come in and discover the rest, they may be spared."—Hereupon it was ordered, "That this house doth join with the house of commons in every thing they ask."

A Letter sent by the Speaker, to the Army of their Pay.] The ports were immediately ordered to be stopped and [illegible] to be sent for that purpose. None were suffered to pass, except sir Thomas [illegible]

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* "The day there was a great bubbub raised in the city, occasioned by a report of a design to blow up the parliament; notice whereof was taken in the house of commons, by sir Walter Erle. Mr. Middleton and Mr Moyle, two very corpulent men, with some others, standing up to hear him, a board in the gallery broke, and gave such a crack, that some apprehended the house was blown up indeed: and sir John Wray crying out, 'He smelt Gun-Powder,' they hurried out of the house, and frighted the people in the lobby, who ran into the hall crying 'The Parliament House was falling,' and the Members shunned, the people running in confusion through the hall, sir Robert Mansel drew his sword, and bid them stand for shame, 'for, he saw no enemy to hurt the parliament, and that there was no danger' but some of the zealots by water gave the alarm, so that the drums beat, and a regiment of Trained-Bands marched as far as Covent-Garden, and the rabble of Volunteers down to the house, to save the parliament." Nalson's Collect. Vol. II. p. 101.

* Mr. Whitlocke remarks, "[illegible] tion was so well liked by many [illegible] men, who, upon passing such a bill, the surer and the longer in their [illegible] they were so hot upon it, that [illegible] brought it in the very next morning.

† See the Proceedings against [illegible] Star-Chamber, in Rushworth, Vol. II.

endants, who was going ambas- [illegible]
ticularly the persons above-nam- [illegible]
ed, and safely conducted [illegible]
members of the last [illegible]
me a Letter to the [illegible]
take away all misunderstandings [illegible]
have been raised amongst them, as follo-

"We have had cause to doubt [illegible]
ill-affected persons have endeav- [illegible]
and to misunderstanding in the Arm- [illegible]
and of the parliament towards them: [illegible]
take away all misunderstanding in time [illegible]
the house of commons have commanded me
assure you, that they have taken the
of the Army into their serious con-
though, for the present, their moneys
not come in as is wished, and as was d
by reason of the many distractions and other
impediments which this house could no
avoid, yet the Army may rest most assured
that they shall not only have their full pay
but the house will take their
further consideration, in regard the
service, that unreasonable time
and the endeavours of those ill-affected per-
sons, they have not demeaned the
otherwise than as men of honour, and
affected to the commonwealth, which
takes us so good part, that we have
found out a way to get moneys for a
good part of their pay, and will take the most
speedy course we possibly may for the rest. So
I remain, Your very loving friend,

WM LENTHALL.

From my House at Charing-cross, the 8th of this present month of May, 1641.—P S. It is the pleasure of this house, that this Letter be communicated to the Army, to the end their intentions may be clearly understood."

May 7. The commons having appointed a committee to take into consideration the printing of the Protestation with the lord Digby's last Speech and other speeches of members of their house, and to have power to send for parties, witnesses, books, and papers; this day the lords also ordered the bishops who were on the [illegible] for Religion, to have power, from that house, to enquire after the printing and selling of News-Books that are lately printed, all of innovations of doctrine, &c. with liberty to send for the printers, and examine them and afterwards to report the same to the house.

A Conference concerning the present Danger of the Kingdom.] Another conference was desired, this day, with the lords, the report of which by the lord privy seal, was to this purpose. That it was said by the commons at this conference, that 7 or 8 persons, that would have been material witnesses in that great business, are fled and run away, upon their accusation for them, and therefore their suspicions are much confirmed concerning the design to seduce the king's army, and bringing them hither to join with other forces, to the disturbance of the parliament also, that they have

[illegible] the Parliament House [illegible]
[illegible]sions of a Plot. May 10 [illegible]
[illegible]ns seemed to be under [illegible]
[illegible]d dread of a [illegible]
[illegible]s day the subject a[illegible]
[illegible] [illegible] in the [illegible]
Westminster [illegible] cried out, and [illegible]
[illegible] and [illegible] there was appoin[illegible]
[illegible] the Lords, [illegible]
[illegible] to [illegible]
[illegible] they [illegible]
[illegible]

May 12. The [illegible] went into [illegible]
[illegible] Mr. Hyde [illegible] and, w[illegible]
[illegible], [illegible] [illegible], upo[illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] great and pressing [illegible]

[illegible] *concerning the Stoppage* [illegible]
[illegible] *relating to the Queen-Mo*[illegible]
[illegible]ce was held this day between the [illegible]
[illegible]s, and Mr. Pym reported part of [illegible]
[illegible]mmons, viz. "The earl of [illegible]
[illegible], that the lords had received many [illegible]
[illegible] town merchants, ready to send their [illegible]
[illegible]ips to sea, which they cannot do [illegible]reason of the Ports being stopped, whereby [illegible]
[illegible]se their voyage, with other cross accid[illegible]
on that occasion. The lords conceived [illegible] the reason for stopping the ports was to pre[illegible]vent some particular men, shewing a guilt [illegible] their flights, from going over, and not o[illegible]ther merchants in general: however, that the [illegible] lords would not open them till they had [illegible]conferred this house with it."—The [illegible] part of the conference was reported by [illegible] Vane, to this effect: "That the [illegible] of Holland said, the lords had been informed [illegible]ers the Queen's Mother was in, by [illegible]rtain disorders of the people, and desired [illegible]. That he, being lord lieutenant of [illegible] had appointed a guard of 1[illegible] for that purpose: that he found [illegible] willingness in some of them to go; [illegible] thought it fitter to do other [illegible] guard stronger: that since the [illegible] coming the next day unto St. [illegible] and that any thing should happen [illegible] Queen-Mother of France, it would be a [illegible] to this nation, she being here [illegible] on the king, and queen: that [illegible] considered as a lady, who is mother [illegible] greatest princess in Christendom, be[illegible] had lived here with such modest[illegible] reputation, as every body near her [illegible] that there had not a person, belonging to her family, been complained of or punished: that she had often desired him, would so govern as to gain the affections [illegible] his people, particularly by parliament." [illegible] other circumstance the earl delivered, "That the disorders of the multitude were much [illegible]

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within two years, except by consent of both houses, that time being sufficient to provide against any accidents that were then apprehended."—Clarendon, Vol. I. p. 205.

that the city marshal had informed that last night there marched towards of a ship before them, who pulled down and killed two of them; therefore they our advice how to prevent these in-

was afterwards ordered, by consent of houses, "That the Ports should be forthopened, and that two Proclamations should be put forth the one to declare, That King had taken the Queen-Mother into his protection, that the Trained Bands should be appointed for her guard, and that may be taken of her servants the other to prohibit all Tumults and Drawing together of People, under severe penalties."

A Committee appointed to open all Foreign] At the request of the commons, it ordered, "That the Postmaster for Letters should bring, or cause to be ht, to a committee appointed for that purpose, all such letters, imported or to be exported, which come to his hands, and the committee were ordered to open the said letters, peruse them, and report them to the house."

Petitions from the Universities in favour of Deans and Chapters] May 12. The commons took into consideration the Answer of Deans and Chapters, &c. when two Petitions from the Universities of Oxford and Cambrid were read, and are as follows:

To the High and Honourable Court of Parliament. The humble Petition of the University of Oxford.

"Sheweth, That whereas the University hath been informed of several Petitions concerning the present Government of the Church Maintenance of the Clergy, which of late have been exhibited to this Honourable Assembly; we could not but think ourselves bound in duty to God and this whole nation charity to ourselves and successors, who have and are like to have more than ordinary interest in any resolution that shall be taken concerning Church Affairs, in all humility to desire the continuance of that form of government which is now established here, and hath been preserved in some of the Eastern and Western Churches, in a continued succession of bishops, from the very Apostles to this present time, the like whereof cannot be affirmed of any other form of government in any church upon which consideration, and such other motives as have already been offered to this honourable parliament from other persons and places, with which we concur, in behalf of episcopacy, we earnestly desire that you would protect that ancient and apostolical order from ruin or diminution. And we become further suitors for the continuance of those pious foundations of Cathedral Churches, with their lands and revenues, as dedicated to the service and honour of God, soon after the plantation of Christianity in the English nation as thought fit and useful to be preserved for that end, when the nurseries of superstition were banished, and continued to the first and best times, since the blessed Reformation, under Edw. 6. Elizabeth, and James I. princes renowned through the world for their piety and wisdom as approved and esteemed by the laws of this land, and ordained and framed by the grave wisdom and discretion of many religious professors of our Church, as affording a competent portion, in an honourable way, to many younger children of good parentage, who devote themselves to the ministry of the gospel, as the only means of subsistence to a numerous train of officers and other ministers, who, maintained by them, depend upon them, and are wholly maintained by them as the only support and holder of divers schools, hospitals, high-ways, bridges, and other public and pious works; as special comforts of much poor and aged people, where they are, but only by keeping their place, and keeping convenient hospitality, but in occasions a requital to sort of strangers from other part, to the great benefit of all tradesmen and inhabitants in those places, as the chief ornament of our professors [?city], and present credit of the English nation in the eyes of foreign states, and chief support to many thousand families of poor laity, who enjoy fair estates from them in a free way, as yielding a constant and ample revenue to the owner, and as by which many of the learned professors of our university are maintained. The subsistence of all which we cannot but conceive not only to attend such a change, as will redound to the scandal of many well-affected to our religion, but open the mouths of our adversaries and of posterity against us and likely, in time, to draw after it a great load upon a considerable part of the laity, if instead of hospitality and encouragement to the clergy, a lamentable drooping of the spirit of industry and knowledge in the next times, which is easy to foresee, but will be hard to remedy.—May it therefore please the high assembly, upon these and other considerations as your great wisdom shall suggest, to take such pious care for the maintenance of these Religious Houses, and their Revenues, according to the best intentions of their founders, as may be most to the furtherance of God's glory and service, the honour of the church and nation, the advancement of religion and learning, and the encouragement of

From the Collection of Petitions, published by the King's command. London, printed by William Sheares, 1642.

the [illegible] honest endeavours of [illegible] in the universities, [illegible] &c. Dat anno Dom[illegible] [illegible] celebri [illegible] registrorum, omnibus & [illegible]

"[illegible] Knights, Citizens, and [illegible] House of Commons assembled in [illegible] Parliament, [illegible] University of Cambridge [illegible]

"Shewe[illegible] petitioners having [illegible] to the honour [illegible] instrument, tending to the [illegible] Cathedral Churches, and alienation [illegible] by which they are subject [illegible] ancient inheritance of the [illegible] bestowed by the religious and renowned [illegible] and other benefactors [illegible] duties, and established [illegible] by the laws of this [illegible] accordingly have been encouraged [illegible] learning, the [illegible] and preferment [illegible] their pious and charitable [illegible] this London court, our [illegible] and under care for the [illegible] and maintenance of the [illegible] who have, and do deserve [illegible] of the church, [illegible] religious [illegible] and whereby [illegible] reduced to [illegible] statutes; and that [illegible] which have [illegible] in, may [illegible] our universities, [illegible] are and [illegible] better instituted [illegible] piety, and the [illegible] the most [illegible] cording to their [illegible] Petitioners shall [illegible]

Explanation [illegible] *tution*.] This day, [illegible] "That whereas sundry [illegible] by several persons [illegible] ing the increasing [illegible] the Protestation [illegible] this house, viz. 'The true [illegible] Religion, expressed [illegible] church of England [illegible] pish Innovations within [illegible] the same doctrine,' [illegible] That by those words [illegible] only, the public doctrine [illegible] church, so far [illegible] and Popish innovations and [illegible] are not to be extended [illegible] any form of worship [illegible] of any rites or [illegible] of England!

Bill for translating Bishops, &c.] May 14. The committee [illegible] committee of ways and means for raising the 400,000*l.* [illegible] agreed to, resolved, upon the question, [illegible] every man's land, of what degree soever, in whose possessions the said lands are, [illegible] be rated towards the raising the aforesaid sum."

This day, a bill from the commons [illegible] restraining of Bishops, and others in [illegible] Orders, from intermeddling in Secular Affairs, was read a second time by the lords, and committed. Upon this occasion,

Lord viscount *Newark* spoke as follows: "My lords; I shall take the boldness to [illegible] a word or two upon this subject, first [illegible] in spirit, then as it is in the consequence, [illegible] the manner. I think he is a great stranger [illegible] company, that is not well acquainted with [illegible] bishops sitting here: they have done this [illegible] in this manner, ever since the conquest; [illegible] by the same power and the same right [illegible] other peers did, and your lordships now [illegible] and to be put from this their due, [illegible] their due, by so many hundred years [illegible] ened and confirmed; and that without [illegible] offence, nay pretence of any, seems to [illegible] be very severe if it be *just*; I dare boldly say it is *summum*. That this hinders their ecclesiastical vocation, an argument I hear mentioned hath, in my apprehension, more of shadow than substance in it: if this be a reason, [illegible] I am it might have been one 600 years ago. I hope, my lords, is not so circumscribed within the circumference of his diocese, as his absence, sometimes, can be termed [illegible] in the most strict sense) a neglect or hindrance of his duty, no more than that of a lieutenant from his county they both have their subordinate ministers, upon which their influences fall, though the distance be remote. Besides, my lords, the lesser must yield to the greater good; to make wholesome and good laws for the happy and well-regulating of the Church and commonwealth, is certainly more advantageous to both, than the want of the personal execution of their office, and that [illegible] occasions; and then, peradventure, [illegible] month or two, can be prejudicial to either. And so, by your lordships good leave, I shall [illegible] to the consequence, as it relates both to your lordships and my lords the bishops. Dangers and inconveniences are ever [illegible] by longsuffering. This precedent [illegible] your lordships, and such a one, that, [illegible] communis, de vobis.' Presences are [illegible] worthy, nay, sometimes, the greatest [illegible] in the most fair and specious [illegible] witness the Ship-Money, the most abominable, [illegible] most illegal thing that ever was; and this was planted over with the colour of law. What bench is secure, if to alledge be [illegible] sufficient? And which of your lordships can [illegible] then, He shall continue a member of this house, when, at one blow, 26 are cut off? [illegible] then behoves the neighbour to look about [illegible]

From the original edition, printed by Abel Roper, 1641.

'cum prominus ardet vicalegum.'—And for the bishops, my lords, in what condition will you leave them? the house of commons represents the meanest person, so did the master his slave; but they have none to do so much for them and their justice can be then to the observation of these laws, to whose constitution they gave no consent? The wisdom of former times granted unto this house, merely upon this ground, that every one might have a hand in the making of that which he had an obligation to obey. This house could not represent, therefore protestants in matters of religion, were most justly allowed.—And now, my lords, I beseech your lordships to cast your eyes upon the church, which I know is most dear and tender to you. You will see her suffer in her principal members, and deprived of that power which, here and through all the christian world, ever since christianity, she constantly hath enjoyed for what nation or kingdom is there in whose great and public assemblies, and that from her beginning, she had not a share of hers? If I may not say as essential I may say as natural, parts thereof truly, my lords, christianity cannot boast of this, or challenge it only as hers, for heathenism claims an equal share. I never read of any of these, civil or barbarous, that gave us this much to their religion; so that it seems to me to have no ninth original, to flow from no other spring, than nature itself. How it may stand with the honour and justice of the house to pass this bill, I most humbly submit unto your lordships, the most proper and only judges of them both.'

May 17 The commons entered into debate about the Protestations concerning Religion, delivered in by the Scots commissioners, and it was resolved, "That this house doth approve of the affection of their brethren of Scotland, in their desires of a conformity in church government between the two nations, and doth give them thanks for it, and a desire to enter into consideration of the reformation of church government, so they will proceed therein in due time, as shall best conduce to the Glory of God and the peace of the church.'

Several grants] Nathaniel Bacon tells us "That this day, the great seal was surrendered at their bar, either to satisfy themselves misdoubt, or to satisfy others." Cottington resigned the office of master of the Court of Wards to the lord Say and Seal. Dr Juxon, bishop of London, delivered up his staff as lord High Treasurer, and the office was put into the hands of five commissioners, the lord Keeper, lord Privy Seal, chief justice of the Common-Pleas, lord Newburgh and secretary Vane. The earl of Leicester was made lord lieutenant of Ireland, in the room of the late earl of Strafford. The earl of [illegible] lord Chamberlain of the Household, and [illegible] earl of Pembrook and Montgomery lord chamberlain of the queen's household. The marquis of Hertford appointed governor to the prince, in the room of the earl of Newcastle.

The Commons propose that the Queen-Mother should leave this Kingdom.] May 18. Mr. Martin reported from the committee of commons, concerning the Queen-Mother, what was proper to be delivered to the lords at the next conference, both for the safety of her person, and about the Tumult which had happened near Somerset-House, in this city. "That they could not but join with their lordships in apprehension of danger, and therefore should agree to all good means that might conduce to the safety of her majesty's person; holding them fit to do what they do, as well by the removing [illegible] from her, as for that special time [illegible] in the queen her daughter and the royal [illegible] But fearing that all the care that can be used, may prove insufficient for the assurance of her protection, and desires to prevent the blemish that may fall upon this nation by [illegible] that, the commons [illegible] humbly to represent these things to their lordships, that the queen may be moved [illegible] kingdom; the rather, for the [illegible] the jealousies in the hearts of his majesty's well-affected subjects, [illegible] by all the [illegible] about the queen's person, [illegible] the growing of Popish and Popish [illegible], and by the [illegible] and practice of the idolatry of the mass and recourse to other superstitious services of the Romish church to the great scandal of true religion, &c."

Debate in the Lords on the Bill for restraining Bishops from [illegible] a Share in Affairs.] May 21. The lords in a grand committee, took into consideration the bill, 'For [illegible] Bishops from Holy Orders, [illegible] nothing to [illegible] Affairs, when

[illegible] the following Speech [illegible] as much time of your lordships's, as I can well afford in a committee, because all that I intend to speak in this business [illegible] your lordship's [illegible], or most part, to make [illegible] at all [illegible] Reasons [illegible] That I have [illegible] to know, that [illegible] to speak upon [illegible] to [illegible] and [illegible] scriptures, with other [illegible] [illegible] [illegible] in a committee, [illegible] [illegible] [illegible]

of [illegible] well that
chur[illegible] rituals or
cerem[illegible] t truths
of p[illegible] than
kn[illegible] at that
time. [illegible] King
Edward [illegible]
see in [illegible]
entered [illegible]
rights [illegible]
I shall [illegible] that
I find [illegible]
bound [illegible]
laws [illegible]
doubts [illegible]
may, were free [illegible]
tations, I durst [illegible]
tion from [illegible]
opposition [illegible]
houses of parliament — [illegible]
I were secretly invited [illegible] to advise upon the passing [illegible] speaking more out of my heart and [illegible] my brethren [illegible], if I found [illegible] part of [illegible] this bill without much qualification, I never have the boldness nor [illegible] judicial place, in this most [illegible]
And therefore, my lords, [illegible]
Arcopagus, and dernier [illegible] to make any further inquest [illegible] cast this whole bill [illegible] wherein I hope to [illegible] say, in this bill [illegible] tive of this bill, which [illegible] Holy Orders for the [illegible] Holy Orders might [illegible] And these days of [illegible] the place, two sorts [illegible] dities, in general [illegible] once, which we [illegible] gard of either of [illegible] ceived that men [illegible] intermeddle in Secular Affairs [illegible] is the morest, rise and [illegible]
The 2nd point is, the [illegible] this bill, which [illegible] sons, vicars, and all [illegible]
The 3d [illegible] the [illegible] this bill forward, [illegible] and that [illegible] of secular [illegible] Freehold and rights [illegible] suits [illegible] and [illegible] in the Star-Chamber [illegible] Council-board, to [illegible] 3 Matters of [illegible] seem to be [illegible] mer prince, is the Council [illegible] Bishops, and [illegible] are entered [illegible] matters, [illegible] Holy Orders [illegible] Manner of this [illegible] nation [illegible] and 2 Edward [illegible] of these [illegible] [illegible], hereafter, any of the [illegible] rights, favours, or charters of former and that, which is the heaviest [illegible] without killing of Abel, or any crime their charge, more than that, in the of the bill, it is said, roundly, and [illegible] at Lacedæmon, 'That they ought not meddle in Secular Affairs.'—The 5th [illegible] salvo for the two Universities, but no bishop of Durham, or bp. of Ely; nor dean of Westminster, their next [illegible] other established in his government [illegible] especial act of parliament, that of the Queen Elizabeth — The 6th and last [illegible] the dukes, marquesses, earls, barons or peers of this kingdom, that [illegible] are such, by descent. This I hope in God, will prove not only a [illegible] honourable persons, (whereof if the clergy were but so happy as to have any [illegible] present number of our court,

——quot

Hectorum pariter, vel divitis ostia Nestoris [illegible] nerit had perished in the womb [illegible] come to the birth;) but I hope that this [illegible] will prove to this bill a *Fel de* a number of itself, and tho intended [illegible] *malæ* ministers only, prove a [illegible] *bonis ministers* that be not so happy [illegible] him, because the *very poor* [illegible] and in Scripture, or [illegible] more tied to serve God in [illegible] these terms, and not [illegible] and therefore I hope the [illegible] so nobly, as to pull [illegible] the poor ministers, out of [illegible] of this bill.—These are all [illegible] and contents of the bill and [illegible] hands your lordships [illegible] one, and I shall expect to [illegible] whole tract of this committee, [illegible] your leave and patien[illegible] I [illegible] almost as briefly as I have [illegible] them down—For the [illegible] Motive of this bill, such [illegible] in Holy Orders not [illegible] Secular Affairs. It must arise [illegible] or from point of conve[illegible] and I hope in God, it [illegible] lordships that there may [illegible] to intermeddle [illegible] the measure of [illegible] shall not hinder [illegible] their calling. They [illegible] no more ought [illegible] have a calling and [illegible] walk, as ministers [illegible] children and families [illegible] and they are not to neglect those [illegible] upon warrants and recognizance [illegible] a kind of sir Francis Mitchel[1] [illegible] ministers, as Solomon calls it.—That

[1] A trading Justice of Peace, who [illegible] secuted in parliament, in the 19th of [illegible] ing a Monopoly. The [illegible] against him be found in Vol. I. p. 1212

a learn[illegible] must [illegible] I, what [illegible] this kingdom [illegible] there is no [illegible] tied and [illegible] held for a [illegible] Holy Order[illegible] calar Affair[illegible] men in Holy [illegible] or Polemical [illegible] at this mom[illegible] be debated [illegible] secular affair[illegible] venerable, [illegible] to exercise [illegible] must be [illegible] eral offices, [illegible] which [illegible] of a subject [illegible] exercis described to [illegible] can add or detract from the [illegible] power is divine ordinance, [illegible] terror to the evil and [illegible] works This [illegible] and therefore I do [illegible] that most learned bishop Dove[illegible] man is fenced [illegible] Question [illegible] of imprisonment [illegible] rather coming [illegible] must, to terrify the [illegible] good subject, [illegible] of sinners [illegible] of civil [illegible] nature, repugnant [illegible] tion, to no sort [illegible] hold themselves [illegible] if, it becomes [illegible] and punish sinners [illegible] moderate [illegible] sovereign shall [illegible] and that this doctrine [illegible] orders from [illegible] the [illegible] and that [illegible] pretend Rome [illegible] Lambeth [illegible], Anacletus, Stephen [illegible] and Otho [illegible] and that the [illegible] the term of [illegible] in the [illegible] this [illegible] and hence [illegible] consequently [illegible] into Eng[illegible] with gentle submission that it must be exercised civil pursuits and not to be referred to a mitred man in England and all the rest of this *palea* and gall of [illegible] that is, in plain English the prelates must [illegible] receive obligations from other Kings or Lords, but wholly depend upon his holiness the pope of Rome and the pope of Lambeth; or at least-wise pay them roundly for their dispensations and absolutions when they presume to do the contrary. In a time [illegible] an age [illegible] there is not one word or shew of reason to inform an understanding man, that persons in holy orders ought not to terrify the bad, [illegible] nurture the good, to repress sin, and chastise manner; which is the *summa totalis* of the civil magistracy, and consequently so far forth, as the least, to intermeddle with secular affairs.

The second point consists of the persons mentioned upon in this bill; which are 'Archbishops, Parsons, Vicars, and all others in Holy Orders.' Of this point I shall say little, only finding those names huddled up in a heap, it made me conceive, at first, that it might have some relation to Mr. Bagshaw's reading in the Middle-Temple; which I ever esteemed to have been very inoffensively delivered by that learned gentleman, and, with little discretion questioned by a great ecclesiastic, then in place: for all that he said amounted only to this, 'That when the temporal lords are more in voices than the spiritual, they may pass a bill without consent of the bishops;' which is an assertion so clear in reason, and often practised upon the records and rolls of parliament, that no man, any way versed in either of these, can make any doubt of it, nor do I: though I humbly conceive no precedent can be found that the prelates were ever excluded, otherwise than by their own folly, [illegible] or headiness. As for the point of being justices of the peace, the gentleman confesseth, 'He never meddled with archbishops, nor bishops, nor with any clergyman, made a justice by his majesty's commission.' In the statute made 34 Edw. 3. c. 1. he finds, assignees for keeping of the peace, one lord, and, with him, three or four of the most worthy men of the county: the troublesome times did then so require it; and if God do not bless us with the riddance of these two armies, the like provision will be now as necessary. He finds these men included, but doth not find churchmen excluded; no not in the statute, 13 Rd. 2 c. 7. that requires justices of peace to be made of knights, esquires, and gentlemen of the law, of the most sufficient of each county: in which words the gentleman thinks bishops were not included; and I clearly so. In his favour, they are not excluded; nor do the learned sages of the law conceive them to be excluded by that statute. If the king shall command the lord keeper to fill up the commissions of each county with the most sufficient knights, esquires, and gentlemen of the law, shall the lord keeper thereupon exclude the noblemen and the prelates? I have, in my days, received this command, but never heard of this interpretation before this time; that I cannot conceive from what ground the general sweepstake of archbishops, bishops, parsons, vicars, and all others in holy orders, should proceed.—I have heard, since the beginning of my sickness, that it hath been alledged in this house, that the clergy, in the [illegible] of Edw. 3. did disavow that the custody of the

[illegible] bishop of Salisbury.

prince did belong to them at all; and I believe that such a thing is to be found amongst the rolls of the privileges of this house, but first you must remember, that it was in a great storm, and when the waters were much troubled, and the wild people unapt to be kept in order by [illegible] wherein Alexander Severus had not more interest than every true-born Englishman. No forty shillings man in England but doth in person, or representation, enjoy this freedom and liberty. The prelates of this kingdom, as a looking-glass and representation of the clergy, [illegible] Edw. Confessor, [illegible] 1000 years [illegible] The prelates in Norman [illegible] their [illegible] to [illegible] men [illegible] as with men and money, except the bishops elect soon after the conquest, [illegible] left them to sit in that house with [illegible] ed in the [illegible] the prelates, [illegible] the former [illegible] rom [illegible] ning, the [illegible] ecclesi- [illegible] which upon [illegible] ly by the Saxon [illegible] sent with the Lombard and Sir H. [illegible] the bishops in and [illegible] to [illegible] sent [illegible] very [illegible] the [illegible] the [illegible] of the [illegible] spirals though [illegible] [illegible] in this [illegible] [illegible] [illegible]

give way, that our nobility shall be taught henceforth, as the Romans were, in the time of the first and second Punick wars, by their slaves and bond-men only, and that the church of God, in this island, may come to be served by the most ignoble ministers that ever have been seen in the Christian church, since the passion of our Saviour.—The next thing to be severed from persons in Holy Orders by this bill, is of a much baser metal and alloy, 'Sitting in the Star-Chamber, Sitting at Council-Table, Sitting in Commissions of the Peace, and other Commissions of Secular Affairs.' These are such favours and graces of Christian princes, as the church may have a being and subsistence without them: the fortunes of our Greece do not depend upon these spangles; and the sovereign prince hath imparted and withdrawn those kind of favours, without the envy or regret of any wise ecclesiastical persons. But, my noble lords, this is the case; our king hath, by the statute, restored unto him the headship of the church of England, and, by the word of God, he is 'Custos utriusque tabulæ:' and will your lordships allow this ecclesiastical head, no ecclesiastical senses at all? No ecclesiastical person to be consulted withal, not in any circumstances of time and place? If Cranmer had been thus dealt withal, to the minority of our young Josias, king Edward 6. of pious memory, what had become of that great work of our reformation, in this flourishing church of England? But I know before whom I speak. I do not mean to dine your lordships with coleworts, the harsh consequences of this point your lordships do understand as well as I.—The last robe that some persons, in Holy Orders, are to be stript of, hath a kind of mixture of freehold and favour, proper right, and of the graces of the king. These are certain old Charters, that some few Bishops, and many antient and Cathedral Churches have purchased or procured from the antient kings, before and since the Conquest, to enable them to live quiet in their own precincts and close (as they call it) under a justice or two of their own body, without being abandoned, upon every slight occasion, to the injuries and vexations of mechanical tradesmen; in which, your lordships best know these country incorporations do most consist. Now, whether these few charters have their foundation by favour or by right, I should conceive, it is neither favour nor right to take them away, without some just crime objected and proved for, if they be abused in any particular, Mr Attorney General can find an ordinary remedy to repair the same by a writ of Ad quod dannum, without troubling of the two houses of parliament.—And now I come to the fourth part of this bill, which is the 'Manner of Inhibition;' heavy every way, heavy to the penalty, heavier a great deal in the incapacity, the most weighing of all penalties. Will you consider, I beseech you, the small wires, that is, poor causes that are to finde the same, and then the heavy lead that hangs upon these wires. It is thus, If a naturall subject of England, interested in Magna Charta, and the Petition of Right, as well as any other, yet being a person in Holy Orders, shall happen unfortunately to vote in parliament; to obey his prince, by way of counsel: or, by way of commissioner, be required thereunto; then is he presently to lose and forfeit, for his first offence, all his means and inchhood for one year; and, for the second, to forfeit his freehold, in that kind, for ever and ever. I do not believe that your lordships ever saw such an heavy weight of censure hang upon such thin wires of reasons, in any act of parliament made heretofore. Thus, peradventure, may move others most, but it does not me. It is not the penalty, but the incapacity, and, as the philosophers call it, the naturall impotency, imposed by this bill on men in Holy Orders, to serve the king or the state in this kind, be they otherwise never so able, never so willing, nor never so virtuous; which makes me draw a kind of Timanthes's Veil over this point, and leave it, without any amplification at all, unto your lordships wise and inward thoughts and considerations.—The fifth point is the 'Salvo' made for the two Universities, to have justices of the peace amongst them of their own heads of houses; which I confess to be done upon mature and just consideration for, otherwise, the scholars must have gone to justice to those parties to whom they go for their mustard and vinegar. but yet, under favour, the reasons and inducements cannot be stronger, than may be found out for other ecclesiastical persons; as the bishop of Durham, who was, ever since the days of king John, suffered by the princes and parliaments of England, to exercise justice upon the parties in those parts, as being in truth the king's subjects, but the bishops tenants; and therefore not likely to have their causes more duly weighed, than when the balance is left in the hand of their own proper landlords. The case of the bishop of Ely, for some parts of that isle, is not much different, but, if a little partiality doth not herein cast some mist before mine eyes, the case of the dean and city of Westminster, where this parliament is now sitting, is far more considerable, both in the antiquity, extent of jurisdiction, and the warrants whereupon it is grounded, than any one of those places before-mentioned for there is a clear statute made, in 27 Eliz. for the drawing all Westminster, St. Clement's, and St. Martin's le Grand, London, into a corporation, to be ruled by a dean, a steward, 12 burgesses, and 12 assistants. And if some salve, or plaister, shall not be applied unto Westminster in this point, all that government and corporation is at an end: but thus I perceive, since, is taken into consideration by the house of commons themselves.—I come now to the last point, and the second 'Salvo' of this bill; which is for dukes, marquisses, earls, viscounts, barons, or peers of this kingdom, which is a clause that looks with a kind of contrary

glance upon persons in holy orders. It seems to favour some; but so that thereby, and in that very act, it casts an aspersion of baseness and ignobility upon all the rest of that holy profession. For if no persons in Holy Orders ought to intermeddle in secular affairs, how come these nobles to be excepted out of that universal negative? Is it because they are nobly born? Then, surely, it must be granted that the rest must be excluded, as being made of a rougher and baser piece of clay for the second part of this reason; in the beginning of the bill, can never bear out this Salvo, 'That the office of the ministry is of so great importance, that it will take up the whole Man, and all his best endeavours.' Surely the office of the ministry is of no greater importance in a poor man, than in a nobleman; nor doth it take away the whole man in the one, and but a piece of him in the other. I cannot give you many instances herein out of scripture, because you know that, in those days, 'not many mighty, not many nobis were called.' But when any noble were called, I do not find but they did put more of the whole man and their best endeavours upon the ministry than other men in Holy Orders, are, at the least in Holy Scripture, noted to have done. I put your lordships in mind of those noblemen of Berœa, compared with those of Thessalonica, in the 7th of the Acts of the Apostles so that this Salvo for the nobility must needs be, a secret wound unto the rest of the ministry; unless your lordships, by your great wisdom, would be willing to charge it unto pauncs and common plaister, both to the one and the other; and, I conceive it may be done upon a very forcing argument The office of the ministry is of equal importance, and takes up the whole man and all his best endeavours in the noble-born, as well as in the mean-born minister but, if it is lawful, all this notwithstanding, for the noble-born ministers to intermeddle with secular affairs: is it not likewise lawful for the mean-born so to do? In my conscience I speak it, in the presence of God and your lordships, it is most lawful for them to intermeddle with secular affairs, if they be not so entangled, as the Apostle calls it, with this intermeddling as to slight and neglect the office of their calling, which no minister, noble or ignoble, can do without grievously sinning against God and his own conscience. It is lawful for persons in Holy Orders to intermeddle; it is without question; but for them to make provision of meat and drink, as Beza interprets the place, it is not lawful for them to be thus intangled and bound up with secular affairs.—And thus, my noble lords, I shall, without any further molestation, and with humble thanks for your great patience, leave this great cause of the church to your lordships wise and gracious consideration. Here is my Mars-Hill, and further I shall never appeal for justice. Some assurance I have, from the late solemn vow and protestation of both houses, for the maintenance and defending the power and privileges of parliament, that if this bill were now to be framed in the one house, it would never be offered without much qualification, as I persuade my-self it will not be approved, in the other.—Parliaments are indeed omnipotent, but no more omnipotent, than God himself, who, for all that, cannot do every thing God cannot but perform his promise. A parliament, under favour, cannot unswear what it hath already vowed. This is an old maxim, which I have learned of the sages of the law, 'A parliament cannot be felo de se: it cannot destroy or undo itself.' An act of parliament (as that made in the 11th, and another in the 21st Rd. 2.) made to be unrepealable in any subsequent parliament, was, ipso facto, void in the constitution. Why? Because it took away the power and privileges; that is, not the plumes and feathers, the remote accidents, but the very specifical form, essence, and being of a parliament so, if an act should be made to take away the votes of all the commons, or of all the lords, it were absolutely a void act. I will conclude with the first Epistle to the Corinthians, chap. xii 15. 'If the foot shall say, because I am not the hand, I am not of the body, is it therefore not of the body? V. 20 But now are they many members, yet but one body. V. 21. And the eye cannot say unto the hand, I have no need of thee, nor again the head unto the feet I have no need of you.'

The Lord *Say and Sele* spoke in answer, as follows.* 'My lords, I shall not need to begin as high as Adam, in answer to what hath been drawn down from thence, by a bishop, concerning this question, for that which is pertinent to it will only be what concerns bishops, as they are ministers of the gospel; what was before, being of another nature, can give no rule to this. The question that will be before your lordships in passing of this bill, is not, Whether episcopacy (I mean this hierarchical episcopacy which the world now holds forth in us shall be taken away root and branch: but whether those exuberant and superfluous branches, which draw away the sap from the tree, and divert it from the right and proper use whereby it becomes unfruitful, shall be cut off, as they use to pluck up suckers from the root? The question will be no more but this, Whether bishops shall be reduced to what they were in their first advancement over the presbyters, (which although it were but a human device for the remedy of schism, yet were they in those times least offensive) or continue still, with the addition of such things as their own ambition, and the ignorance and superstition of succeeding times, did add thereunto, and which are now continued for several politic ends) things heterogeneal, and inconsistent with their calling and function, as they are ministers of the gospel; and thereupon, such as ever have been, and ever will be hurtful to themselves, and make

* Printed for Thomas Underhill, anno 1641.

the ... matters in the times and places ... continued. These things alone, ... their duties and ... employments, and their ... in ... duties — ... upon this, to show 1st, how ... these ... and ever will be ... fulness ... their ... and their ... in their ... in ... things ... and ... They ... apart to ... Apostle ... things?' ... man, and ... ruled, ... and ... strikes in the ... guilt upon them ... inconsistent with ... that which God ... and set them ... apart to ... expressly ... apostles, 'That they should ... ministers of the ... that is rule, 'It is ... another ... to the ... the things of this world, ... of God,' that is ... is ... this life, by the ... receive from ... office which God ... Apostle, 'If ... doth he mean? ... lunacy ... Paul, ... duke, ... and doctrine —... attend upon ... ministry ... sweerable to ... Saviour. 'Their ... of so great ... induced within, ... assent with their ... judicature in ... and employments ... not admit of the ... business, for ... than these would ... give the reputation ... reason that we should leave the Word of God and serve tables.' And again, when the ... directed their disciples to chuse men fit ... that business, they instituted an office for taking ... of the poor, lest they, by it, should be ... Lord from the principal work of their ... me, and then show how they ought to employ themselves, 'But we will give ourselves continually to prayer, and to the ministry of the Word.' Did the Apostles, men of ... gifts, think it ... unbecoming for them to be hindered from ... themselves continually to ... the Word and Prayer, by taking care for the Table ... the poor widows, and ... Shall we ... be ... for ... to ... ministers ... to ... the ... of ... and ... to ... such places, and will ... such ... they must not ... but must be known ... rules and ... of government, and the ... studies must be necessarily ... from that which God hath called them ... and not, sure, is much more unlawful for them to ... that than that in the ... Apostles rejected as a ... to be interrupted by.—The doctrine of the apostles is agreeable to their practice hereto, for Paul when he ... Timoth. for the work of the ministry, presseth this argument from the example of a good soldier 'No man that warreth, entangleth himself with the affairs of this life.' Hence I conclude, that what is, by the commandment of our Saviour, by the practice and doctrine of the ... and I may add, by the canons of ancient councils grounded thereupon, prohibited to the ministers of the gospel, and shewed to be such a distraction unto them from their callings and functions, as will bring a woe upon them, I am resolved ... for them to admit of ... and if they ... notwithstanding ... themselves ... will and ... I ... a guilt ... on their souls, and hurt to ... respect ... their ... —In the next place, it ... Hinders them, and ... them in their credit. So the ... teach us their position with ... desire to ... the world without, 'That ministers they have these outward trappings of worldly pomp added to the ministry, that calling will grow into contempt, and ... despised for the truth is, these things cast contempt upon them in the eyes of men; they gain them cap and courtesy, but they have ... from out of the consciences of men. The reason of this is plain: every thing is esteemed as it is eminent in its own proper excellency; the eye in seeing, not in hearing; the ear in hearing, not in speaking; the one would be rather monstrous than comely; the other is ever acceptable, being proper. So is it with them: their proper excellency is spiritual; the ... of the world, with the pomp and preeminences, and employments thereof. This they

should teach and practice, but when they, contrary hereunto, [illegible] Jersey, like the great men of the world, [illegible] to rule and domineer as they do, contrary to our [illegible]r's precept, 'It shall not be so amongst [illegible]' instead of honour and esteem that have brought upon the [illegible] the hatred of the people, that contempt and odium which they now lie under and [illegible] justly and essarily, because the world seeth that they prefer [illegible]ridity excellency, and run after it and cov[illegible]d it, before the true, which being [illegible]r, is far more excellent, and which, being proper to the ministry, [illegible]hone will put a value and esteem upon it that [illegible]r of that calling.—As these things hurt themselves [illegible] their insolences and covetousness, they [illegible]ness, and, if they be observed, will make [illegible]hurtful to others: [illegible]ness, because they break out of their own orb, and in a [illegible]regularity, there is a curse upon it, leaving of their own place. The heavenly bodies, while they keep within their own spheres, give light [illegible]comfort to the [illegible] and they should break out, and fall from [illegible] and [illegible]per motions, they would set the world on fire [illegible]s have these done. While they kept themselves to the work of their [illegible]s alone, and gave themselves to prayer and the ministry of the [illegible], according to the [illegible]t the [illegible]t, the world received [illegible] [illegible]t light, they were the light [illegible] [illegible]; but when they [illegible] [illegible] from heaven to earth, and they [illegible]s, once, to be [illegible] [illegible] [illegible] appeal to all who [illegible] [illegible] [illegible] [illegible] [illegible] whether the [illegible] [illegible] [illegible] [illegible] [illegible]

this, That this bill alters the foundation of this house; and innovations, which shake foundations, are dangerous.' I answer, '1. That if there be an error in the foundation, when this shall be found, and the master-builders be met together, they may, nay, they ought rather to amend it, than to suffer it to run on still to the prejudice and danger of the whole structure. 2. I say this is not fundamental to this house, for it hath stood without them, and done all that appertains to the power thereof without them; yea, they being wholly excluded and that which hath been done, for a time, at the king's pleasure, may be done with as little danger for a longer time, and, when it appears to be fit and for public good, not only may, but ought to be done altogether, by the supreme power.'

The Lord *Newark* spoke as follows *; 'My lords, I shall not speak to the preamble of the bill, 'That bishops and clergymen ought not to intermeddle in temporal affairs;' for truly, my lords, I cannot bring it, under any respect, to be spoken of. *Ought* is a word of relation, and must either refer to human or divine law. to prove the lawfulness of their intermeddling by the former, would be to no more purpose, than to labour to convince that by reason, which is evident to sense: it is by all acknowledged. The unlawfulness by the latter, the bill by no means admits of, for it accepts universities, and such persons as shall have honour descend upon them: and your lordships know that circumstance and chance alter not the nature and essence of a thing, nor can except any particular from an universal proposition by God himself delivered. I will therefore take these two as granted; 1. That they ought by nor law to intermeddle in temporal affairs. 2 That, from doing so, they are not inhibited by the law of God, which leaves it, at least, as a thing indifferent.—Now my lords, I shall consider the convenience, and that in the several habitudes thereof, but very briefly. 1. In that which it hath to them meerly as men, *qua tales*. 2. As parts of the common-wealth. 3 From the best manner of constituting Laws. And, 4. From the practice of all times, both Christian and heathen. 'Homo sum, nihil humani a me alienum puto,' was indeed the saying of the comedian, but it might have well become the mouth of the greatest philosopher. We allow to sense all the works and operations of sense, and shall we restrain reason? Must only man be hindered from his proper actions? They are most fit to do reasonable things that are most reasonable. For science commonly is accompanied with conscience; so is not ignorance: they seldom or never meet. And why should we take that capacity from them, which God and nature have so liberally bestowed? My lords the politick body of the common-wealth is analogical to the body natural, every member in that contributes something to the preservation of the whole: the superfluity or defect which hinders the performance of that duty, your lordships know is what the philosopher calls *διαφορὰν τὴν φύσεως*, nature's sin. And truly, my lords, to be part of the other body, and do nothing beneficial thereunto, cannot fall under a milder term. The common-wealth subsists by laws and their execution; and they that have neither head in the making, nor hand to executing of them, confer not any thing to the being or well-being thereof. And can such be called members, unless most unprofitable ones? Only '*Fruges consumere nati*.' Methinks it springs from nature itself, or the very depths of justice, that none should be tied by other laws than himself makes; for what more natural or just, than to be bound only by his own consent? To be ruled by any other's will is merely tyrannical. Nature there suffers violence, and man degenerates into beast. The most flourishing estates were ever govern'd by laws of an universal constitution: witness this our kingdom; witness senatus populusque Romanus, the most glorious common-wealth that ever was; and those many others in Greece, and elsewhere, of eternal memory.—Some things, my lords, are so evident to themselves that they are difficult to their proofs. Amongst them I reckon this conveniency I have spoken of. The long experience that all Christendom hath had thereof, for these 1300 years, is certainly argumentum ad hominem. Nay, my lords, I will go further, (for the same reason runs through all religions) never was there any nation that employed not their religious men in the greatest affairs.—But to come to the business that now lies before your lordships: Bishops have voted here ever since parliament began, and long before were employed by the public. The good they have done your lordships all well know, and at this day enjoy; for this I hope you will not put them out. nor the evil they may do, which yet your lordships do not know, and I am confident never shall suffer. A position ought not to be destroyed by a supposition; 'et a posse ad esse non valet consequentia.'—My Lords, I have done with proving of this positively; I shall now do it negatively, in answering some circumstances that may seem to arise. For this of 'No Man that wars intangles himself with the affairs of this Life,' which is the full sense of the words both in Greek and Latin, it makes not at all against them; except to Intermeddle, and Intangle, be terms equivalent. Besides, my lords, though this was directed to a churchman, yet it is of a general nature and reaches to all, clergy and laity, as the most learned and best expositors unanimously do agree. To end this, 'Augmentum symbolicum non ut argumentativum.'—It may be said 'That it is inconsistent with a spiritual vocation 'truly, my lords, grace and nature are, in some respects, incompossible; but, in some others, most harmoniously agree. It perfects nature, raises it to a height above the common

* From the Original Edition, printed by Abel Roper, 1641

altitude, and makes it most fit for those great works of God himself, to make laws, to do justice. There is then no inconsistency between themselves, it must arise out of scripture. I am confident it doth not, formally, out of any place there; nor did I ever meet with any learned writer, of these or other times, that so expounded any text.—But it may be said, 'That though, in strict terms, this be not inconsistent, yet it may, peradventure, hinder the duty of their other calling.' My lords, there is none that sits here more for preaching than I am. I know it is the ordinary means to salvation; yet I likewise know, there is not that full necessity for it as was in the primitive times God forbid that 1600 years acquaintance should make the Gospel of Christ no better known unto us. Neither, my lords, doth their office meerly and wholly consist in preaching, but partly in that, partly in prayer and administring the blessed sacraments, in a godly and exemplary life; in wholesome admonitions, in exhortations to virtue; dehortations from vice; and, partly, in easing the burdened conscience. These, compleat the office of a churchman Nor are they altogether tied to time or place; though I confess they are, most properly, exercised within their own verge, except upon good occasion; nor then can the omission of some be termed the breach of them all. I must add one more, (an essential one, the very form of episcopacy, that distinguisheth it from the inferior ministry) the orderly and good government of the church And how many of these (I am sure not the last) my lords, are interrupted by their sitting here once in three years, and then, peradventure, but a very short time? And can there be a greater occasion than the common good of the church and state? I will tell your lordships what the great and good emperor Constantine did, in his expedition against the Persians; he had his bishops with him, whom he consulted about his military affairs, as Eusebius has it in his Life —Rewards and punishments are the great negotiators in all worldly businesses. These may be said to make the bishops swim against the stream of their consciences, and may not the same be said of the laity? Have these no operations but only upon them? Has the king neither frown, honour, nor offices, but only for bishops? Is there nothing that answers their translations? Indeed, my lords, I must needs say, that, in charity, it is a supposition not to be supposed; no, nor in reason, that they will go against the light of their understandings. The holiness of their calling, their knowledge; their freedom from passions and affections, to which youth is very obnoxious; their vicinity to the gates of death, which, though not shut to any, yet always stands wide open to old age: these my lords, will surely make them steer aright.—But of matter of fact there is no disputation. It is said, 'some of them have done ill' but, 'Crimine ab uno disce omnes,' is a poetical, not a logical argument. Some of the judges have done so; some of the magistrates and officers; and shall there be therefore neither judge, magistrate, nor officer more? A personal crime goes not beyond the person that commits it, nor can another's fault be my offence. If they have contracted any filth or corruption, through their own or the vice of the times, cleanse and purge them thoroughly but still remember the great difference betwixt an reformation and extirpation; and be pleased to think of your Triennial Bill, which will save you this labour for the time to come. Fear of punishment will keep them in order, if they should not themselves through the love of virtue.—I have now, my lords, according to my poor ability, both shewed the conveniences, and answered those inconveniences, that seem to make against them. I should now propose those that make for them; as their falling into a condition worse than slaves, not represented by any, and then the dangers and inconveniences that may happen unto your lordships; but I have done this heretofore, and will not offer your lordships Cranmen his coetum.'

The house being resumed, it was resolved, 1. "That the Archbishops and Bishops shall have suffrage and voice in the house of peers in parliament. 2. That they shall not have suffrage and voice in the court of Star-Chamber, when they are called 3. That no archbishop or bishop, or other person in Holy Orders, shall be Justices of the Peace. 4. That no archbishop &c. shall be of the privy council to the king, or to his successors."

May 27. The lords debated the bill 'For restraining Bishops and others in Holy Orders, from intermeddling in Secular Affairs;' and a question arising, Whether the restraints in the said bill did extend to their right of sitting and voting in parliament, which, by the common and statute laws of this realm, and by an antient and continued practice, was unquestionable? The lords resolved, That a conference be desired with the commons about it; and a message was sent down to them for that purpose.

Sir Edw. Dering brings in a Bill for the utter abolishing of Bishops, Deans, Prebendaries, &c.] May 27. A bill 'For the utter abolishing and taking away of all Archbishops, Bishops, their Chancellors and Commissaries; Deans, Deans and Chapters, Arch-Deacons, Prebendaries, Canters, Canons, and all other their Under Officers,' was brought into the House of Commons. It was introduced by sir Edward Dering, who, in a Collection of his Speeches, published by himself,* makes the following apology for it. "This bill was pressed into my hand by sir Arthur Haslerig, being then brought unto him by sir Henry Vane and Mr Oliver Cromwell. He told me, he was resolved that it should go in, but was earnestly urgent that I would present it. The bill did hardly stay in my hand so long as to make a hasty perusal. Whilst I was reviewing

* London, printed by F. Eglesfield, 1642

it, Sir Edward Ayscough delivered a petition out of Lincolnshire, which was seconded by Mr Strode, in such a sort, as that I had a fair invitement to issue forth the bill then in my hand. Hereupon I stood up and said this, which, immediately after, I reduced into writing."

"Mr. Speaker! The gentleman that spoke last taking notice of the multitude of complaints and complainants against the present government of the church, doth seem what seem to wonder that we have no more petitioned against the persons offending. Sir, the time is present, and the work is ready, perhaps beyond his expectation. Sir, I can now the instrument to present into you a very short, but a very sharp, bill, such as these times and their sad necessities have brought forth. It speaks a free language, and makes a bold request: 'tis a purging bill. I give it you to take physick; not for delight, but for cure: a cure now the last and only cure, it, as I hope, all other remedies have first been tried,

Cuncta prius tentata, sed immedicabile Vulnus
Ense recidendum est, ne pars sincera trahatur.

I never was, for sum, so long as I could hold any hope of reforming. My hopes that way are even almost withered. The bill is entitled 'An Act for the utter abolishing and taking away of all Archbishops, Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Archdeacons, Prebendaries, Chanters, Canons, and all other their Under-Officers.' Sir, you see their demerits have exposed them; public ruin threatens victims. I am sorry they are so ill; I am more sorry that they will not be content to be healed: which I did hope would have been effected by our last bill. When this bill is perfected, I shall give a said *Aye* unto it: and, at the delivery thereof, I do now protest before-hand that my former hopes of a full reformation may yet revive and prosper, I will again put my shoulders to under-prop the primitive, lawful, and pastoral episcopacy; yet so, as that I will ever be warring with my utmost pain and power, to root out all the undue ad-mixtures on it. I beseech you read the bill and weigh well the work."—the bill was read the first time, and the question being put, whether it should be then read a second time? it was carried for the reading of it, on a division, 139 against 108.

Mr Taylor expelled for Expressions relating to Lord Strafford's Execution.] Mr Taylor burgess for Windsor, was brought upon his knees in the house in commons, for speaking the following words, in disparagement of the whole house, about the earl of Strafford's death, viz "They had committed murder with the sword of justice, and that he would not for a world have so much blood lie on his conscience, as did on theirs for that sentence" which words being proved against him by the mayor of Windsor (to whom he spake it) and some others, he was expelled the house, and voted incapable of ever being a parliament man, committed to the Tower during pleasure; to be carried down to Windsor, there to make recantation for those words, and to return back to do the same at the bar; and it was ordered that a writ should presently issue out for a new election in his room.

The Lord's house to be retrieved the Bishops Votes in Parliament.] June 3. dir. Pepoint reported the conference with the lords, concerning the bill for disabling Bishops to vote in the House of Peers, viz. "That their lordships conceive that the commons understand not that 'Unlawfulness to have any Temporal Lord,' means to be contrary to any law, but of no influence or inconvenience; because it was held absolutely thought it unlawful, they could not have made exception of the universities and of such of the nobility as should be put to be in Holy Orders. And for the bishops right to sit and vote in parliament, their lordships conceive, that, both by the common law, statutes, and constant practice, there is no question of it. As for inconveniences, their lordships did not set it down as such, that might induce them to deprive the bishops and their successors of the right of voting in parliament, but if there be such, which they yet know not, they will be willing to hear them, and take it into consideration. For their votes in the Star-Chamber, Council-Table, or in other Secular Affairs, they have only assisted to the desires of the common. That bishops have excepted the dean of Westminster, is being a corporation confirmed by act of parliament, 27 Eliz. As also that of Durham, Ely, and Hexham, and the several jurisdictions of those bishops to keep Courts Baron of their stewards, &c. and all other courts executed by temporal officers, which their lordships conceive not to be comprehended in this bill."

The Commons' Answer thereto.] June 4. The commons took into consideration the [illegible] delivered by the lords at the conference, and it was agreed to offer the Lords, in answer to them, it ensuing reasons: 1. "That it was a [illegible] to the exercise of their [illegible] Because they do [illegible] in the ordination, which [illegible] Holy Orders, that they will [illegible] to that vocation. 3. [illegible] Canons and Canons, in several [illegible] to meddle with Secular Affairs. 4. Because the 24 bishops have a dependency upon the two archbishops, and because their oath of canonical obedience to them. Because they are but for their lives, and [illegible] have a legislative power over the honours, inheritance, persons, and liberties of others. 6. Because of bishops depending and expectances of translations to places of greater profit. 7. That several bishops have, of late, much encroached upon the consciences and properties of the subjects; and they and their successors will be much encouraged and

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hath been found
kingdoms, that Scot-
ts, and multitudes
and have left and against
the bishops being lords of
the great distance be-
rest of their brethren in
occasioneth pride in them,
and disquiet in the
having votes a long time
es if measures at, time and
to be considered with law-
abbots voted in parliament
ps, yet are taken away. For
ns, as the deanry of West-
of Durham and Ely, the
York, which they are to execute
persons, the former reason shews
of them. For their temporal
ctions, which are executed by
officers, the bill doth not con-
Nor doth it reach to those certu-
y of beasdices, legality of mar-
the like, which bishops make and
course of common law. The argu-
from the canons and laws eccles-
must be considered as a fight against
ops with their own weapons; a kind
's sword, to cut off Goliah's head.
as though the house of commons did
justify the legality of any of them.
viso for the universities and temporal
may stand in the bill, if their lordships so
To this may be added, that there was
preparing for regulating the universities
proviso is but permitted to stay there
not be effected."

same day these Reasons of the com-
were reported to the lords by the bishop
. They are also entered in the
of the commons, with this addition,
question being put, Whether the two
in the hill, relating to the univer-
and to noblemen in orders, should be
ade? It was carried, on a division, in
affirmative, 148 against 139."

Preachers reprimanded by the Commons.] June 7. One Robinson, a clerk in the custom-house; John Spencer, a horse-courser; Adam Baker, a stocking-seller, John Durant and one Green, being complained against for preaching; being meer laymen, and who had been sent for by order of the house, were ..., and Mr Speaker gave them a sharp ...hension, telling them, 'That the house ... a general distaste at this their proceed-...gs; and that if they should offend in any ... in the like kind again, this house would ... are they should be severely punished."

Report from the Committee ... June 8. Mr. Fiennes, member ... reported from the secret ... concerning the Tower of London; ... the flight of the gentlemen ... spiracy in the army, to bring ... or to awe the parliament; the earl of Strafford's design to have made his escape, had he not been prevented; the Papists resorting into ... shire towards Portsmouth, and the ... of it, Mr Jermyn's desire to get ... into his hands, and the French troops drawing down to Calais, Dieppe, and Granville.

Exceptions against an Expression of Lord Digby.] In the debate thereon, exceptions were taken at the lord Digby, for words spoken concerning an oath, which colonel Goring confessed he had taken to be secret, saying, 'He was a perjured man.' After a warm debate upon it, and he had in his place explained himself, by saying, 'He thought Mr. Goring deserved no better appellation, since it appeared, by his own confession, that he entered into the oath of secrecy purposely with an intention to discover the confederacy,' yet the house not being satisfied with it, he was ordered to withdraw.

Sir Wm. Widdrington and Mr. H. P... bring in Candles without an Order.] The commons sitting late upon this affair of lord Digby, some members called for Candles, which the major part opposed, being inclined to rise, but, by mistake, the candles being brought in, and sir Wm Widdington and Mr Herbert Price, taking them from the serjeant, without a general command, to occasioned great disturbance in the house. The next morning exceptions being taken against them, Mr Denzil Holl... made a speech in aggravation of their offence, shewing, 'That the house of commons, being a rule and example of order, there ought to be no disorde... within those walls, for that if there were such within, well might it be expected there would be without; and that it might be the occasion of shedding much blood among themselves, if, upon such a difference, parties should have aided one against another; and moved that they should, for their offence to this house, be sent to the Tower, there to remain during the

[illegible]' which was agreed to [illegible] notes against 172. The [illegible] Sir Wm. Widdrington and [illegible] called to the bar, and their [illegible], but because they did not [illegible] used to children, and after [illegible] house concerning their commi[illegible] were again called to the bar [illegible] Treeding all the while, [illegible] the sentence against [illegible] was further resolved, 'That [illegible] in the deposition of his, concerning [illegible], was done nothing contrary to [illegible] honour, but his thereto [illegible] the commonwealth, and of this [illegible] lord Digby was referred [illegible]

A New Narrative of the Plot.] Frequent [illegible] from made of this Plot, which [illegible] and the whole nation, it [illegible] be [illegible] it may not be improper [illegible] [illegible] many passages at the [illegible] houses at this juncture. This we shall do from the Memoirs of the Earl of Manchester, in his own words.*

"To prevent the earl of Strafford's death, several designs had been upon the wheel, but all failed; therefore it was consulted how to engage the army to the North to serve the king, in order to his freedom from the parliament's fetters, 'pour mettre le Roi hors de Peine,' as the royalists termed it. This occasioned several addresses to the principal commanders in the North; but they were fearful and backward to entertain any motions or propositions, which might put them upon a breach with the parliament. But Mr Percy and Mr. Jermyn finding a great discontent in those commanders of the army who were members of parliament, as colonels Wilmot, Ashburnham, and Pollard, who thought that their services had merited much better of the parliament, than that the Scots officers and Scots army should be preferred before them, in their gratuities and in their pay; and these commanders owning that the parliament had disobliged them, this gave Mr Percy a rise to press with greater earnestness his design of engaging them to serve the king; and, to that end, an oath of secrecy was framed, and others were admitted into their confederacy, as Mr. Jermyn and Mr. Goring, and propositions were framed. But it fell out in this, as in most conspiracies of the like nature, that though the same oath was taken by all that met together, yet it was not taken by all with the same persuasion or intention; for colonel Goring, whose ambition was not answered in being promised the place of lieut general of the army, and finding others employed whose persons he disliked, having a full information from Mr. Percy and Mr Jermyn of all the design, thought it would tend most to his security and advantage to reveal the conspiracy, and, being versed in all the methods of falsehood, he chose the time and means which he thought would be most acceptable and obliging to the parliament. therefore first imparts it to the earl of Northumberland, who was his particular friend; and [illegible] him to bring him to some other lord of the parliament, such as might be most for his purpose; that mischief which was intended, accordingly, the next day, after the lord Newport brought him to the earl of Bedford and the Lord Mandeville to whom he first made a proposition of his duty to the parliament, and of his readiness to run hazards for the safety of it; that he imparted the substance of the design, and desired to make what use of it they thought fit for their own and the commonwealth's security; but to bring him as the matter to the peers, except necessity did require it. The lords who had this design laid before them thought it necessary to discharge the house and communicated it to some members of the house of commons, by whose advice it was agreed, That Goring should repair to his lodgings at Portsmouth, and that so soon as he was gone, the persons whom he had accused to be actors in this design should be apprehended, but private notice being given to Percy and Jermyn, they prevented the justice of the parliament by their escape out of England. Mr. Percy, with some difficulty and hazard, took shipping in a private port in Sussex; Mr. Jermyn ventured upon Goring's faithfulness to him, and brought into him a warrant, under the king's hand, to secure him safely transported in one of his frigates, which he obeyed with care and readiness, though, at the same time, the parliament had sent orders to him, by commissioners authorized under the great seal, according the king's direction, to apprehend him; but he pretended the orders came not time enough, and, at the same time, he took an oath, which was administered by the king's authority under the great seal, to be true and faithful to the king and parliament, and keep the town of Portsmouth for their use, and not to deliver it but by both their consents. The Plot being made known to the commons, they resented it as a thing of very dangerous consequence; and found it necessary therefore that Mr. Goring should own the discovery of the design. He was immediately sent for by the house, whereof he was a member; and being present there, he was commanded to declare his knowledge of the design. Upon this command he expressed himself in these terms —

"Having been told, that there was an intention to unite the forces of our army, and to put them into a posture of being able (if not purpose of being willing) to interpose in the proceedings of parliament, I hearkened to the propositions of soliciting a redress for the miseries of the soldiery; being the first step to this, in respect of the present necessities of it, not any future consequence of trouble to those that were to procure our relief: but, lest the manner of asking this, or the effect of it,

* See Nalson's Collections, Vol. II. p. 272.

[illegible]ought be less just
[illegible]ich was desired; and I
[illegible]e crimes that had f
[illegible]ment, the redress of
thought it our duties to use
my integrity along with me; and
noble Lord the very same day: I
there were some officers of the
were least thought on, that had not
zeal to the [illegible]peace of things of the
and I thought she would be an oc
[illegible]let him know more of it within few
[illegible]s this, Mr. Jermyn and I were alt
[illegible]a consultation, where we were told
[illegible]by an oath, in the company of those
I have owned in my dispositions,
[illegible]purpose was thus cluded to us in some
[illegible]ns, which were to this effect. 1. Put
[illegible]army into a posture to serve the king,
[illegible]g a declaration to the parliament,
[illegible]ng. That no act of parliament should
contrary to any former act, wherein
expressed, that episcopacy should be
[illegible]as it is now. 3. That the king's re
should be established.—This I thought
for our undertakings, since they in
to interpose in the determinations of
house; and it belongs to an army to main
, not to contrive the acts of state. I ob
[illegible]t before against their propositions, and
the follies and difficulties, than the ir
rities of them, not only because I thought
a greater argument with them than
ience, but because I was so unhappy, it
two, to be thought a worse commonwealth's
than a soldier: and, in that quality, could
re most credit for my words. I endeav
ed to show them, that as the design would
unpinn, if the most desperate counsels had
been followed, so it would have been the
est that ever was undertaken, if they
re owned. And when it I am said to
a part in this violent counsel, till the
before the sitting I never heard a word
it; and how true, when I came to the
whether theirs were not the same with
their they may witness for me, and
that I declared I would have to do with neither;
and that I expressed contempt of any
thing in that manner. But I rely upon the
testimony of some noble lords of his majesty's
council, and others, how I protested against
all those violent counsels, even in the birth of
them; and with what piety I looked towards
the person of his majesty, and the whole king
dom in this business. I appeal also to them
and some members of this house, what my
carriage was towards these gentlemen that
re embarked in these undertakings, intend
rather to prevent a mischief, by abandon
ing their counsels, than to ruin them by dis
closing them. But mistake me not, for had
[illegible] of any former Plot proceeded in, that
[illegible]ndanger or disturb the quiet of his ma
, or the peace of the kingdom, I should
ave been contented with declaring mine
own innocency; nor have said all the com
mands of this house, or an oath, extorted from
me a discovery; but, by a hasty open declara
tion, have broke the laws of unity and friend
ship, and all former ties, to preserve the duty
of a subject; and as freely posed the ku w
ledge of all to the view of the world, as I have
been resolved in publishing these purposes, even
to my nearest friends, which had weight enough
to crush nothing but the undertakers of it.
And certainly, if they had stood where I left
them, there was no conclusion at all. It ap
pears there were two several intentions di
gested by others before they were communi
cated to me; and I know not whether my
hearkening to them was a fault, but I am sure
it was a misfortune."

Lord Digby call'd upt the House of Peers.] Jan. 10. This day the lord Digby eldest son of the earl of Bristol, one of the knights for Dorsetshire, whose case, before-mentioned, the commons had referred to a committee, was introduced into the house of lords, the writ bearing date th day before as appears by the Journals of that house. Dr Nalson says, "That the very same day on which he was introduced into the house of lords, he was expelled the house of commons, as unworthy to continue any longer a member of it." But of this there is no entry in their Journals, only an Order for the issuing out a writ for Dorsetshire in his room, with not the least mention whether the vacancy was occasioned by expulsion or promotion however, we find that the same day the lords made an order, That the lord Digby be added to all their standing committees. But though his lordship was thus preferred out of the way of the commons, their resentment of his behaviour in their house did not stop here, as will appear in the sequel

Debate on the Bill for Abolishing Bishops, &c.] June 11. The commons in a grand committee, of which Mr Hyde was chairman, resumed the consideration of the bill against Episcopacy; after a debate, which lasted from 7 in the morning till night, it was resolved, That the preamble of the bill should be as follows "Whereas the government of the church of England, by Archbishops, Bishops, their Chancellors and Commissaries, Deans, Archdeacons, and other ecclesiastical officers, hath been found, by long experience, to be a great impediment to the perfect reformation and growth of religion, and very prejudicial to the civil state and government of this kingdom," &c.

The next day the committee proceeded further in the said bill this was distinguished from the former (which was only called a bill 'For restraining of Bishops, and others in Holy Orders, from intermeddling in Secular Affairs') by the term of 'The Root and Branch Bill.' We meet with the following speeches upon the occasion, which are omitted in Rushworth's Collections

Sir *Henry Vane*, member for Wilton, spoke in favour of the bill, thus "Mr Hyde. The

* From the original edition, printed for T Underhill, 1641

ich to we are now upon us, Whether the go- rnment by archbishops, bishops, chancel- lors, &c. should be taken away out of the church and kingdom of England. For the right stating whereof, we must remember the vote that passed yesterday, not only by this committee, but the house, which was to this effect, 'That this government has been found, by long experience, to be a great impediment to the perfect reformation and growth of reli- gion, and very prejudicial to the civil state.— So that then the question will be this before us, Whether a government, which long expe- rience hath found to stand in such a manner upon, as to bring danger not only to our religion but the civil state, should be any longer continued amongst us, or be utterly abolished? For my own part, I am of the judgment of those who conceive that the strength of a wall already set down in the premises to shelter us from stray sons, is a necessary help to our re- ligion: because it is the usual method of the church of Christ to proceed in advance and further the perfect reformation and growth of religion, which is their end, by the civil go- vernment of the commonwealth, as that is the instrument or means by which it works, and is, must in reason and conscience, and in all respects, certainly the better and safer for the same. For these considerations, I say, this notion of a bare negative voice in the civil magistrate, in matters of religion, is not to be desired nor endured.—And if I perceive well of the principles of the votes passed and published in this kingdom, it is not the intention of the parliament to bring up the government of the church to any such pitch, but to reform it, and to make it such as shall be according to the word of God, and the example of the best reformed churches. And why we should not do the like with safety and honour to religion now, as they did then, I desire to be informed. Bishops, as well as others, have their standing in the scripture, where it is said that he that is good, 'that he- hath both the sword and the ball to- fashion.' Have they not a charge and office in the church to be exercised in the right ordering of men's consciences in matters of religion, in the general, is good and that such is necessary, and which we all confess, but then any particular form of it hath once lost its warrant, it loses its coercive power, as to our souls for which it was set up, (as by our vote already past we say this hath) then I say, sir, we have no more to do but to cast it out, and endeavour the best we can, to provide ourselves a better.—But to the bill as it is penned, 'That the government now in question may be so amended and re- formed, that it may not be pulled quite down or abolished, because it is conceived it hath no original in revelation, or, if it have, it is said regeneration will take that away.' Into which I answer, I do consent that we should do with this government, as we are done by in regeneration in which all old things are to pass away, and all things are to become new; and this we must do, if we desire a perfect reformation and growth of religion, or good

to our civil state, for the whole fabrick of the building is so rotten and corrupt, from the very foundation of it to the top, that if we pull not down now, it will fall about the ears of those that endeavour it, within a very few years.—The universal rottenness or corrup- tion of this government, will most evidently appear by a dispassionate view of these ensuing particulars. 1st, Let us consider in what soil this tree grows: is it not in the Pope's paradise? Do not we and the whole principles and grounds maintained by the Popish, universal bi- shop, as the one Diocesan or Vicar-general of all bishops? All those authorities, which have been brought us out of the Fathers and antiquity, will they not as well if not better, support the Papedom as the order of our bishops? So likewise all the arguments used to reconcile the Romish and Protestant schism, do they not as much uphold the Romish as ours? And is not the first church in the world, the mother church of Christendom, the royal monar- chy of that king of kings, the seat of schisms and errors? What can our bishops have but from thence? Even out of their own mouths can we tell us the first original and beginning we have of them, and how they crept in through the negligence of the supine governors of the church, in the darker times of popery, and chose- by degrees to usurp a temporal lordship to rule by, but by degrees, and as much as they can, to abolish it, and to bring in the whole kingdom to the obedience of the holy de- puties, and then more can the whole Christen- dom, since we all confess the errors upon which the papacy stands are rotten, how can we doubt but those that maintain the like errors, are so, since they are one and the same? 2dly, Is not this clear by what hand it is root of bitterness first planted, and how it came into the church? It is no difficult matter to find it out, for it was the very spirit of this present world in pride, exalting itself, in the Temple of God over all that is called God. That exalting itself above its fellow- presbyters, under the form of a bishop; then over all bishops, under the title of archbishops, and so still mounting over those of its own profession, under the title of cardinal, till it comes to be Pope; and then it sticks not to tread upon the necks of princes, kings, and em- perors, and trample them under its feet. Also thus you may trace it from its first rise, and discern by what spirit this order came into the church, and by what door; even by the back- door of pride and ambition, not by Christ Jesus. It is not a plant which God's Right Hand hath planted, but is full of rottenness and corruption, that mystery of iniquity which hath wrought thus long, and so fit to be plucked up and removed out of the way.—3. Let us consider the very nature and quality of this tree, or root in itself, whether it be good or corrupt in its own nature. We all know where

"A good tree cannot bring forth nor a corrupt tree good fruit. grapes of thorns, or figs of its fruits therefore we shall be it; and according as the fruit of t have been amongst us, either common-wealth, so let it stand or An this kind of germin at it- by the back door into the church, t in by the spirit of antichrist, been the back-door and inlet of all and corruption into the worship of this church and the means of back again to Rome. For proof to all our knowledge in late e memory whereof is so fresh, I into no particulars.—One limb of nent in the church hath been the of the most guilty and con-centurions the rescind, punishing, and h mish- of the kingdom the most religious of and conditions that would not comply superstitious inventions and ceremo- In one word, the turning the edge and of their government against the very and power of godliness, and the favour protection of it under all pretense, ca- and superstitious persons that will their party. Thousands of examples be given of this, it were not most ne- Another hath been schism and william nurslives, and alienation from all reformed churches abroad. 3. The new monster of the late canons, whereby ad designed the whole nation to a per- petual slavery and bondage to themselves and their superstitious inventions. These are the fruits of their government in the church.— Now let us consider them in the Civil State, as, 1. The countenancing all illegal pro- and proceedings, by teaching in their pul- the lawfulness of an arbitrary power. 2. The overthrowing all process at common law, that reflect little or little on their courts. 3. The kindling a war between these two na- and blowing up the flame as much as in them lay, by their counsels, canons and ad- dresses they granted to that end. 4. The plots, practices, and combinations during this parliament; in all which they seem to have been interested more or less.—This last they put contented themselves with encroachments upon our Spiritual privileges, but have envied us our Civil freedom, desiring to make us grind in their mill, as the Philistines did Samson, and to put out both our eyes. O let us be avenged of those Philistines for our two eyes! If then the tree be to be known by its fruits, I see, this time, plainly the nature of this tree. In the last place, leave, for a close of all, to present to consideration the mischiefs which the continuance of this government doth threaten if, by the wisdom of this committee, they be not prevented. 1. The danger our religion must ever be in, so long as it is in the hands of such governors as can stand firmly in nothing more than its ruin; and whose affinity with the Pope's hierarchy makes them more confident of the Papists, than the professors of the Reformed religion, for their safety and subsistence. 2. The unhappy condition our civil state is in, whilst the bishops have voice in the house of lords; being there as so many obstructions, in our body politic, to all good and wholesome laws tending to salvation. 3. The improbability of settling any firm or durable peace so long as the cause of the war yet continues, and the bellows that blow up this flame. Lastly, and that which I will assure you goes nearest to my heart, is the check which we seem to give to Divine Providence, if we do not at this time pull down this government. For hath not this parliament been called, continued, preserved, and secured, by the immediate finger of God, as it were for this work? Had we not been allowed up in so many inevitable dangers, by the practices and designs of these men and their party? Hath not God put them to their shifts, as well as these times, as to the evil administration of their government, that he might lay them open unto us; and lead us, as it were, by the hand, from finding them to the first causes of our evils? Is it not then high time to look up- our duty and call? Let us not then halt any longer between two opinions, but, with one heart and resolution, give glory to God, in complying with his Providence, for the general safety, and peace of the church and the state, which will be by passing this Bill we are now upon."

Mr. H. Vane spoken against the bill as follows: "Mr. Hyde: there is no doubt but the sense of what this nation hath suffered from the present bishops, hath produced these complaints, and the superstitious innovations of late, and the like, and therefore I shall make no long discourse to you, but I conceive it possible that we may not, now, in the right measure of the minds of the people by their Petitions, for when they solicited them, the bishops were armed with a dangerous commission of and for new Canons, imposing new oaths, and the like. But now we have disarmed them of their power. These petitioners look upon Episcopacy as a beast armed with horns and claws;

This speech is not taken notice of by any of the Collectors of the times, nor is it printed amongst Mr. Waller's Works, although there are some of his speeches at the end of his Poems. The above is taken from an edition of the times, printed for Abel Roper, 1641. "Waller" say Burnet, "was the delight of the house and even at 80 he said the finest things of any body in it. He was only concerned to say that which should make him be applauded. But he never had the business of the house at heart, but a vain and empty, though witty man. He deserves the character of being one of the great refiners of our language in poetry. He was for near 60 years one of the best of our writers that way."

but now that we have cut and pared them, (and may, if we see cause, yet reduce it into narrower bounds) it may, perhaps, be more agreeable. However, if they be still in passion, it becomes us soberly to consider the right use and antiquity thereof, and not to comply further with a general desire, than may stand with a general good. We have already shewed their antiquity, and the evils thereof, are mingled like water and oil. We have also, in part, severed them. But I believe you will find, that our laws and the present government of the church are mingled like wine and water, so inseparable that the abrogation of the last, a hundred of our laws is desired in these Petitions. I have often heard a noble answered thereto, communicated in this house, 'A proposition of like nature, but of less consequence, that gave occasion or reason of their refusal but this.' Now unfortunate leges Anglicæ! It was the Irish rebellion answered them, and it will be a rare disputation and wise act of this time to answer the people, now, with a 'Nolumus mutari!' Here some are moved with a number of Lords against the bishops, which, I confess, rather inclines me to their defence. For I look on episcopacy as a counterpoise, or outwork, which, if it be taken by this assault of the people, and, withall, this mystery once revealed, 'That we must deny them nothing when they ask it thus in troops.' We are, in the next place, have as hard a task to defend our property as we have lately had to recover it from the prerogative. If by multiplying lands and pensions, they prevail for any thing in things ecclesiastical, the next thing, perhaps, may be lex Agraria, no other quality in this a temporal. The Roman story tells us, that when the people began to buck about the senate, and were prone enough to direct and know what was done, than to obey, that commonwealth soon came to ruin. Their legem rogare grew quickly to be a legem ferre, and after, when their legions had found that they could make a dictator, they never suffered the senate to have a voice any more in such election. If the great innovations proceed, I shall expect a flat and level in learning too, as well as in church-preferments. Honos alit artes. And though it be true, that grave and pious men do study for learning-sake, and embrace virtue for itself, yet it is as true, that youth, which is the season when learning is gotten, is not without ambition; nor will ever take pains to excel in any thing, when there is not some hope of excelling others in reward and dignity. There are two reasons chiefly alledged against our church-government. 1. Scripture, which, as some men think, points out another form. 2. The abuses of the present superiors. For Scripture, I will not dispute it in this place; but I am confident that, whenever an equal division of lands and goods shall be desired, there will be as many places in Scripture found out, which seem to favour that, as there are now alledged against the prelacy or preferment in the church. And, as for abuses, which are now, in the Remonstrance, told, which and that poor man hath suffered by the you may be presented with a thousand of poor men that have received hard from their landlords; and of worldly abused, to the injury of others, and vantage of the owners. And therefore, humble motion is, That we may settle minds herein, and, by a question, declare Resolution 'To reform,' that is, 'not to which Episcopacy.'

The Journals inform us, that, upon Mr. Hyde's report from the grand committ, it was resolved, 'That the taking away the several offices of Archbishops, Bishops, Chancellors, and Commissaries, out of this and kingdom, should be one clause in the aforementioned bill.'

The Lords vote the late Canons illegal.] June 19. The votes of the house concerning the new Canons, made at the Synod in 1640, were read in the house of and their lordships voted the same verbatim, as they are in the proceedings of the other house on the 16th of December. See p. 679.

The day after, 'For restoring to the blood Thomas Earl of Strafford, John Archbishop of Canterbury, and the earl of Cleveland the Duke of Richmond, and for settling the lands and tenements of the said late earl,' was read in the house of commons.

1 *Conference concerning disbanding Armies.*] June 14. A message being sent to the upper house from the commons, to desire a free conference about disbanding some regiments in the king's Army, the same was complied with, and the next day the earl of Bath reported it to the lords, to this effect: "That the commons had taken into consideration the vast charge, that the kingdom laid under in maintaining the two armies that they have used their utmost endeavours to provide money, for disbanding both of them: that necessity enforceth them to disband the king's army by parts as they shall be able to provide money, and the Scots army wholly and altogether. In disbanding the king's army, they will first disband those that lie to the more Southern parts: that they intend to disband five regiments, the regiment of Hull, and the earl of Northdale's company, in the regiment of sir Ch. Vavasor; and so other regiments to march to give way, but not above 300 in a company.' Upon this report another conference was appointed on the same subject.

Debate on a Motion for abolishing of Deans, Chapters, &c.] June 15. The commons went into a grand committee on the bill 'For the utter Abolishing of Bishops,' &c. when a motion being made for the taking away of Deans and Chapters out of the church of England,

Mr *William Thomas*, member for Carnarvon, spoke as follows:* 'Mr Hyde; the office of

* From the original edition, printed by T. Harper, 1641.

Dine- both neither tend or conduce, as some
leve alledged, to the honour of God, the pro-
mo of piety, the advancement of learning,
the of the commonwealth but, è contra,
ism the dishonour and disservice of
, the hinderance, if not destruction of
, the suppression and discouragement of
ar and learned men, and the detriment
and profit of church and commonwealth.
ld we leave to declare what deans
re originally to them first forth? What
the increase and further growth? Their
condition, being at their full, and, as
the first period — Another Original,
is not to be denied but that such as their
office are of great antiquity, St Augustine de-
claring both, but I do not say that it is an
ancient office in the church What officers
deans then were, be pleased to hear from St.
Augustine's own delivery, in his book 'de Mo-
ribus Ecclesiæ Catholicæ' The monks, saith he,
for the more remedilous and better
contemplation, appointed others, which they
called, Deacons or Priests, and unto
they were so called he delivereth in these
words as we have translated, Opus autem tra-
dunt illi quos decanos vocant, quibus sunt
decies pauciores, ut unusquisque eorum sub
se habeat tantos, ut nec minus nec amplius
sint, quam quod alendi vel quotidiana necessi-
tate, vel mutata, ut assolet, vestimentum, aut
decem magna solicitudine, omnia disponentes
& præsto facientes quicquid illa vita, propter
infirmitatem corporis, postulet.'—Here is
the office of deans in St Augustine's time;
an duty sufficient, but not antiquity for being
officers in the church therefore they do not
rightly plead antiquity, as to the point now
controverted, the question being, Whether the
office, as now it is exercised, be the same that it
was then? Surely they shall find it not only
different, but in a manner quite contrary.
They are deceived that urge it, but they are
to know that this judicious house is able to dis-
cern and distinguish a counterfeit face of an-
quity from the true and in vain do they, with
the Gibeonites, labour to deceive us by old
sacks, old shoes, old garments, old boots, and
old bread that is dry and mouldy, therefore
to no purpose, and causelessly, do they change
to affect novelty, by our offering to take
away church-governours and government —
That these men, I mean deans, were origi-
nally, we see, and how they came to be pres-
byters, and ministers, and for what cause, I
shall hereafter declare but we may not think
the charging of us as innovators strange, when
Christ himself had his doctrine censured as
new; 'What doctrine is this,' said the Jews,
'Mark? We are not then to expect that
we shall escape the like censure of innovating.
The servant is not above his lord, nor the dis-
ciple above his master.' and indeed so St
Paul found it, for the Athenians made the same
demand to him, 'May we,' say they, 'know
what this new doctrine, whereof thou speakest,
is?' Acts xvii. 19. But let us 'liberare animas
nostras, conscientias salvas facianus, nihil infame
laboremus; consentiamus in eo quod convenit,
non in eo quod traditum.'—But, granting the
name and office, if we find them to be only cater-
ers, or stewards, to provide food and raiment
to the monks, whose garments as they were
not costly, so was not their fare dainty, being
but bread and water To purge the like employ-
ment now, I neither need nor envy them —
Well now, let us see how they increased in
authority, and came to be accounted officers
of great dignity Why, thus: when for the
honesty of their lives, and opinion of their
sanctity, princes and others did bestow lands
and revenues upon the monks, then their
Prapositi, the deans, did partake of their be-
nefits and possessions, and then began the
corruption and poisoning of them; 'Tunc vene-
num immittitur in decanos, reliqui pepere
dicunt & hinc devoravit universi' Another
writer to the same purpose, speaking of the
church increased in possessions, it decreased in
virtues' The like hath St. Bernard, and many
others The case is clear that the spring that was
clear in the barren mountains, descending
down to the richer vallies, becomes thick and
muddy, and, at last, is swallowed up by the
brimish main, 'Sals in pernitiem imbibet
arguit undas' But, to the river it in the words
of an honourable author, 'Time,' saith he,
'is most truly compared to a stream that con-
veyeth down fresh and pure water into the
stillness of corruption, which infecteth all
human actions, and therefore it a man shall
not, in his institution, rules, and policy, as it
were, rub it now and then against the stream and
inclination of time, all institutions and ordi-
nances be they never so pure, will corrupt and
degenerate' Thus we shall see verified in
deans and their officers — These deans being
thus endowed with great possessions, it was
ordained that should be chosen, out of the
presbyters, to that place; 'Ne sit decanus
nisi presbyter,' as I find in St Bernard. Well,
did they so in this state and condition? No:
they must be civil magistrates, chancellors, or
keepers of the seal, lord treasurers, privy coun-
sellors, and what have they not of lay offices,
dignities and titles? I will not trouble you
with enumeration of particular deans, I will
only give one, (though, if time permitted, I
might cite 21) and that is the Dean of St.
Paul's, who was made lord treasurer about
1197, and, carrying that office, quickly hoarded
up a great treasure. at last, falling into a
deadly disease past recovery, he was exhorted
by the bishops and great men to receive the
sacrament of Christ's body and blood, which
he trembling at refused to do; but, upon the
king's admonishing and commanding him to
do it, he promised him thereupon to do it the
next day being advised also to make his will,
he commanded all to void the room but one
scribe; who beginning to write his will in the
accustomed form, 'In the name of the Father,
of the Son, &c.' the dean perceiving it, com-
manded him, in a rage, to blot it out, and

thou must only to be written, 'I bequeath all my goods to my lord the king, my body to the grave, and my soul to the devil!' which being uttered, he gave up the ghost. The king hereupon commanded his carcase to be carried in a cart, and drowned in the river. Good God, what a change is this, from being humble servants to poor saints, to become proud prelates, peers to princes! 'Quamrum mutati ab illis, nunc Cigni modo Currus!' They now forsake their 'templa paupertatis & templa patriæ,' tanquam non 'Nimia,' and only allow and maintain the 'templa honoris & templa fortunæ.' They then took care for the poor monastery, but now poorly care for the ministry; and, to speak no less truly than plainly, they do either just nothing, or what is worse, nothing that is just. But, not to trace them further, let us examine what their present office is, which we find so honoured and adorned.—In the constitutions of Henry 8. and 1 Edw. 6. thus I read, 'Decani quoque, cum in clero amplam dignitatem & locum habeantum in ecclesia sortiantur, presbyteri simul; tum graves, docti, & magna prudentiæ insignes, cathedrales ecclesias juxta illarum constitutiones regunt; collegia, tum canonicorum quam clericorum ecclesiæ majores, præsint, neque disciplinam labi sinant, providentiæque, summa diligentia, in ea sua ecclesia sacri ritus, ordine in justa ratione, peragantur; utque unus ordine & convenienti gravitate, ad fratrum inhibitorum agantur, ut in childucaconis, sic illi dominibus in ecclesia cathedrali & ejus canonicis & clericis) ipsorum sint adjumento, quasi duo ejus membra utilissima & necessaria. Quare, nec decanis abesse debent a sua ecclesia, sine maxima & urgentissima causa ab episcopo approbanda.'—Afterwards, in the 9th chapter, I read preaching to be part of their duty, 'Concionem habeat ipse, in ecclesia cathedrali, singulis diebus dominicis.' Thus their office is declared to be these particulars following. 1. To rule and order the church, and to look to the repair, and for the decoration thereof, as is also elsewhere enjoined. 2. To preserve discipline and holy rites. 3. To be adjuments, or assistants, to the bishops in cathedrals, as be the archdeacons abroad; part of which assistance is, as it seemeth, to preach for them, but the bishops will excuse them that service, as too painful, nay, forbid it, as too dangerous: yet, though they will not busy themselves in preaching, they have leisure to be inventive and operative in poor beggarly toys and trifles, which neither bring honour to God, nor good to the church and people. Their preaching and godly life did, anciently, win the people's hearts to love God, and them, as his ministers, whom they received as angels of God, ambassadors from Heaven.—Humility, piety, and industry, laid the foundation of all those magnificent structures, dignities, titles, places, revenues, and privileges wherewith the churchmen were anciently endowed; what hath, or is likely to waste and destroy them, is easy to conjecture. King James hath delivered these words, 'The natural sickness that ever troubled, and been the decay of churches since the beginning of the world hath been pride, ambition, and avarice; and these infirmities wrought the overthrow of the Popish church in this country and many others, but the reformation of religion in Scotland extraordinarily wrought by God, though some things were inordinately done by such as blindly were doing the work of God'—so far that wise and religious prince. But, lest I should forget a principal part of the office, Church Music, it shall have here the first place, the rather for that as I read the coming in thereof was to usher in Antichrist, for I do find, in my reading, that, anno 666, (the year that was designed or computed for the coming of Antichrist) Vitalian, bishop of Rome, brought into the church singing of the service, the use of organs, &c. as we read in Platina, Baleus, and others, in the life of Vitalian, who therefore was called the Musical Pope, although, at that time there was great occasion of sorrow, the Longobards having entered and wasted Italy, and therefore fasting and prayer had been more proper than music and melodious singing. Hereupon, saith my author, ignorance arose among the people, lulled, as it were, asleep by the confused noise of many voices. This carried a colour of advancing devotion, although it was no better, as the case then stood, than the altar erected to the unknown God, Acts xvii. Hereby the key of knowledge was hid, Luke xi. when the common people understood not what was sung, and the heat of zeal was quenched in men of understanding, whose ears were tickled, but hearts not touched; whilst, as St. Augustine complaineth of himself, most were more moved by the sweetness of the song, than by the sense of the matter which was sung unto them, working their bane, like the deadly touch of the asps, in a tickling delight; or as the fond touch of the hyena, which doth infatuate the lull asleep, and then devoureth.—If service in the Latin tongue, whereof the simplest people understood somewhat, was justly censured certainly this manner of singing psalms and service, whereof the most learned can understand nothing, is to be condemned. I dislike not singing, though by music of organs or other instruments, but I wish that what is sung may be understood; and as Justinian the emperor commanded all bishops and priests to celebrate prayer with a loud and clear voice, non tam modo, that the minds of the hearers might be stirred up with more devotion to expressing the praises of God; so wish I, that service and psalms may be so read and sung that they may be understood, and so edify the mind as well as please the ear.—Now I am to declare that this office of Deans doth neither tend to the honour of God, the propagation of piety, the advancement of learning, or benefit of the commonwealth, but to the contrary, as I have delivered, rather to the dishonour, &c.

Benj. Rudyard, member for Wilton, opened the motion in the following Speech *: Mr. Hyde, We are now upon a very great business, so great indeed, as it requires our soundest and our wisest consideration; our best judgment for the present, our utmost foresight for the future. But sir, one thing doth exceedingly trouble me, it turns me round about, it makes my whole reason vertiginous; which is, that so many do believe, against the wisdom of all ages, that now there can be no Reformation without Destruction, as if every sick body must be presently knocked on the head, as if all hope of cure—Religion was at first and best planted in cities. God did spread his net where most might be caught. Cities had bishops and presbyters: presbyters were the seminaries, out of which were sent labourers into the bishops, to propagate and cultivate the gospel. The glory when lord, wholly, upon free-will agreements and unions of the people afterwards, when kings and states grew to be Christians, the outward settlement of the church grew up with them: they erected bishopricks, founded cathedral churches, endowed them with large possessions: landlords built parish-churches, clothed them with some portion of land, for which they have still a right of presentation. This confesses that some of our bishops have had ambitions, dangerous aims, and have so still, that, in their government, are more severe and rigorous: but I am not of the opinion who believe, that there is no state of quality in Episcopacy, like a specifical property, which is a reflex, and a reason why there is no original sin in episcopacy, and though there were, yet may the calling be as well reformed as the person regenerated. Bishops have gone on in the church for 1500 years, without any reformation: and no man will say, but that God had great souls in all those times under their government. Let them be reduced, according to the usage of antient churches in the best times, so restrained that they may not be able, hereafter, to shame the calling. I love not those that time to be reformed, and do, therefore, think them worthy of the more shame of the more base reformation. We have often complained, that bishops are too absolute too singular. Although cathedral churches are a nuisance, for the most part, but receptacles of drones and non-residents, yet some good men may be found, or placed, there to be assessors with the bishops, to assist in matters of importance; in causes of importance; there is maintenance already provided for them. If either in bishopricks, or cathedral churches, there be too much, some may be pared off, to relieve them that have too little: if yet more may be spared, it may be employed to the setting up of a preaching ministry through the whole kingdom. And, until this be done, although we are Christians, yet are we not a Christian state. There are some black places in England as are not in Christendom, the people [illegible] live so without God in [illegible] parliaments are to answer [illegible] man. Let us look to it, for it [illegible] of the burdens of the prophet [illegible] and flat upon parliaments.—I have [illegible] y considered with myself, what strong [illegible] t motives and causes did meet together that time, when abbies and monasteries were overthrown. Certainly God's hand was the greatest, for he was most offended. The prophane superstitions, the abominable idolatries, the filthy profandom wickedness of their lives, did stink in God's nostrils, did call down for vengeance, for reformation. A good party of religious men were zealous instruments in that great work, as likewise many covetous, ambitious persons, gaping for fat morsels, did lustily drive it on. But, Mr Hyde, there was a principal parliamentary motive, which did facilitate the rest: for it was propounded in parliament, that the accession of abbey-lands would so enrich the crown, as the people should never be put to pay subsidies again. This was plausible to both court and country: besides, with the overplus, there should be maintained a standing army of 40,000 men, for a perpetual defence of the kingdom. This was safety at home, terror and honour abroad. The parliament would make all sure. God's part, religion, hath, by his blessing, been reasonably well preserved; but it hath been saved as by fire: for the rest is consumed and vanished. The people have paid subsidies ever since, and we are, now, in no very good case to pay an army. Let us beware, Mr Hyde, that we do not look with a worldly, carnal, evil eye upon church-lands: let us clear our sight, search our hearts, that we may have unmixed and sincere ends, without the least thought of saving our own purses. Church-lands will still be fittest to maintain church-men, by a proportionable and orderly distribution. We are very strict and curious to uphold our own property, and there is great reason for it: are the clergy, only, a sort of men who have no property at all in that which is called theirs? I am sure they are Englishmen, they are subjects. If we pull down bishopricks, and pull down cathedral churches, in a short time we must be forced to pull down colleges too: for scholars will live and die there as in cells, if there be not considerable preferment to invite them abroad: and the example we are making now, will be an easy temptation to the less-pressing necessities of future times.—This is the next way to bring in barbarism, to make the clergy an unlearned contemptible vocation, not to be desired but by the basest of the people, and then where shall we find men able to convince an adversary? A clergyman ought to have a far greater proportion to live upon, than any other man of an equal condition. He is not bred to multiply three-pences, it becomes him not to live mechanically and sordidly, he must be given to hospitality. I do know myself a clergyman, [illegible] dignitary, whose books

* Printed by Thomas Walkley, 1641.

have cost him 1000*l.* which, when he dies, may be worth to his wife and children, about 200*l.* It will be a shameful reproach to so flourishing a kingdom as this, to have a poor beggarly clergy. For my part, I think nothing too much, nothing too good, for a good minister, a good clergyman. They ought least to want, who best know how to attend. Burning and shining lights do well deserve to be set in good candlesticks.' Mr. Hyde, 'I am a much for reformation, for purging and maintaining religion, as any man whatsoever: but, I profess, I am not for innovation, demolition, nor confusion.'

Mr. *Pury*, member for Gloucester, spoke thus in support of the motion:* 'Mr Hyde,' 'There are some reasons stick with us, whereby I do conceive, that the deans and chapters have been, and are, part of the government of the church of England: and that the preamble and body of this bill, therein may very well stand together: for, if you like the deans and chapters in their original, who were first founded in superstition, like to your regular and secular monks, or if you consider them, as in their prime institution, to be Consilium Episcopi, to assist bishops in their government and discipline; or if you look upon those deans and chapters, of the last foundation by Henry 8: yet, certainly, they are, in all these capacities, a part of the government of the church of England, and as well the rural, as the cathedral deans are numbered by our own writers among church governors, and they are, in and among themselves, a part of the church government, and, by the Book of Reformation of Ecclesiastical laws, they are to govern themselves according to their statutes of foundation, and to keep them pure and entire, so far as they are not repugnant to the Word of God, and our constitutions of religion.—Now, for the better satisfaction of this committee and house, here is a copy of the statutes, grant, and foundation of the dean and chapter of the city of Gloucester. I have read them over, and do find, 1. The end wherefore the lands and possessions were granted unto them, 2. The manner and form of government of themselves; and, lastly, Their several oaths to keep all the statutes prescribed unto them. And, because of my weak memory, please you to give me leave to read the words in the king's grant, English'd thus: 'We have erected and constituted cathedrals and colleges in the place of monasteries; to the end, that where ignorance and superstition did reign, there the sincere worship of God should flourish, and the holy Gospel of Christ Jesus should be daily and purely preached. And further, that the increase of the Christian faith and piety, the instruction of youth in good learning, and the sustentation of the poor, should be for ever there kept, maintained, and continued, and the said dean, prebendaries, canons, and all other persons belonging to the said cathedrals and colleges, are to be governed and ruled according to the statutes prescribed unto them.'—Sir, the statutes are many; I will, in brief, tell you the substance of some few of them. The said dean, prebendaries, and canons, are always to reside and dwell in the houses of the said late friars, and there to keep a family, and hospitality, to feed the poor, and to distribute alms unto the needy; to be careful to preach the Word of God, 'in season and out of season,' and to sow the seed of the Word of God abroad, but especially in the said cathedral church, and to have youth profitably taught there: and to the end that they may all serve God as well in the church, they are to have a common table in the common hall of the said late friars, where the said canons, scholars, choristers, and under officers, are appointed to eat together. The said dean and chapter are also to give yearly 20*l.* to the poor, besides their alms-poor alms-men, and 20*l.* more, yearly, towards the repairing of bridges and highways thereabouts.—Sir, for the performance of the said statutes and premisses, the said dean, prebendaries, canons, and ministers of the said cathedral do, or ought, respectively to take an oath; and thereby, in express words, do call God to witness, and do swear upon the Holy Evangelists, to rule, govern, and behave themselves well and faithfully in the said church, according to the will and statutes of the founder, and every one of them doth swear, that he will, to his utmost power, well and faithfully keep all and singular the said ordinances and statutes, as much as concerns himself, and will procure all others, as much as concerns them, to keep the same inviolably.' So help him God, and these Holy Gospels of God!'—Mr. Hyde, you see wherefore the lands were granted unto deans and chapters, what their statutes are, and their oaths to keep them. It might be thought that these men do know some way, another or nearer way, to Heaven than they teach us; or otherwise that they would not sit in the seat of pensioners, as I may seem they do, without remorse of conscience: for it is notoriously known to the city of Gloucester, and country thereabout, that not one of the said statutes, before-mentioned, are, or ever were, during my remembrance, kept; or the matters, contained in any of them, performed by any of the deans or prebendaries of the said cathedral. They come indeed, once a year, to receive the rents and profits of the said lands; but do not distribute unto the poor and needy their portion, neglecting altogether the mending of the highways and bridges, and do not keep any common table at all, and instead of preaching the Word of God themselves, 'in season and out of season,' they are, and have been the chief instruments to hinder the same in others.—To innate are the pressures that many cities, near unto deans and chapters, have endured by them and their procurement. And whereas it was objected by a learned gentleman of the long robe, That the deans and chapters are not lay corporate;

* Printed by Richard Lownder, 1641.

that they have as much right unto their possessions as any other body politic, or any or town corporate. I am of his opinion, such lands and possessions as they have any) which they bought themselves in right of their corporation; in for such lands as were given them for their own use. And I am well contented that such lands should be left unto them. But their case is as different, in my opinion, for I have shewed unto you what godly, pious and charitable uses the said lands and possessions were given and limited unto them; and, sitrable thereunto, you may call to mind the Londoners Case, that Londoners, in the Star-Chamber, who gave there 170,000*l.* to his majesty, and the same was after wards estreated into his majesty's Exchequer, but, upon the writ of extent issuing out thereupon, his majesty, as I have heard, received no benefit of any such lands, whereof he was possessed was seized for the maintenance of any hospitals, bridges, or other charitable uses, nor ought to have done, as I conceive.—Seeing all archive the said deans and chapters are but Trustees, and the profits of the said lands still employed by them, contrary to the trust reposed in them, I am clear of opinion that, by a legislative power in parliament, it is not to take them away, and put them into the hands of persons, to be disposed of to such pious, religious and charitable uses, as they were first intended. But it was said by a worthy knight, 'That he should be unwilling to take away their lands and possessions, until he first knew how they should be disposed of, and how the persons, who were many thousands in this kingdom as he said, that would want bread, should be provided for.' Certainly, Mr Hyde, although that is not the work at this time, yet I account it no difficulty to satisfy that worthy knight, for I find, upon the survey of the lands of the said deanry of Gloucester, that it hath above 12 rectories of good value, and about 30 vicarages, pensions, and portions of tythes; which being, at the first, Deo consecrata, most fit they should be still employed for the maintenance of the Gospel, and therefore if the dean and prebendaries, being but 7 in all to be now taken away, will be preaching ministers, there is, I hope, sufficient maintenance for so many of them as have not too much besides, and yet to reserve as large a salary, as now they have, for so many singing men there, not in holy orders, who cannot preach. Then there are left to be provided for, only the organist, 8 singing boys, 2 school masters, 4 poor alms men, and some under officers; whose yearly wages come unto about 100*l.* per annum. The said dean and chapter have also almost the third part of the houses of the city of Gloucester, the old rent of them being, yearly, about 175*l.* which will well defray that charge, with a sufficient surplusage for repairing the highways and bridges, and 20*l.* yearly to the poor, as aforesaid.—Over and besides the said yearly revenues beforementioned, the dean and chapter of Gloucester, although but of the less foundation, and one of the least revenues in this kingdom, have 18 goodly manors, and also divers other lands, tenements, and hereditaments, besides the manors, houses, and premisses, the old rent of some of the said manors being 80*l.* per annum. Out of these manors and lands, the said cathedral being to be made a parochial church, 200*l.* per annum, or more, may be allowed for a learned preaching minister there, and 100*l.* a year a-piece for two such others to assist him, all which stipends, within few years, some of the said manors will discharge, and also sufficiently repair the said cathedral church; and then the rest of the said manors and lands may be employed, to other good, pious, or charitable uses, as the wisdom of the king and parliament shall think fit, suitable to this, but in a more ample proportion of maintenance, will be the alloivances of all other deanries in England.—Again, this, I conceive, will answer another objection, raised by a worthy knight at the bar, touching the poverty of the clergy of England. If this bill should take effect, surely my opinion is quite contrary, and, to that purpose I call to mind the saying of a learned divine, chaplain to a nobleman, upon some conference with him of our wished desire to remove scandalous ministers, and to reduce the impropriations of bishops, and deans and chapters, to a preaching ministry. 'If these things,' said he, 'take effect, the universities will not be able to supply the churches.' And surely, sir, if these things take effect, I am confident we shall be so far from having a poor beggarly clergy, as that no kingdom in the Christian world will have a more rich and flourishing clergy, both for nurseries and encouragements of learning, and for their maintenance in a more plentiful manner than it is at this present. Please you to put the question, I am ready to give my aid thereunto.'

The Speaker having resumed the chair, Mr. Hyde reported from the committee the following Resolutions which were agreed to by the house.

"Resolved, by the commons, 'That all Deans, Deans and Chapters, Archdeacons, Prebendaries, Chanters, Canons and Petty Canons, and their Officers, shall be utterly abolished and taken away out of the church, that all the lands, taken by this bill from Deans and Chapters, shall be employed to the advancement of learning and piety; provision being had and made, that his majesty be no loser in his rents, first-fruits, and other duties; and that a competent maintenance shall be made to the several persons concerned, if such persons appear not peccant and delinquents to this house."

On the 21st, another debate took place in the house of commons, on the bill 'For abolishing Bishops, &c.' To avoid prolixity, we shall conclude our account of this debate in the words of lord Clarendon, who was the constant chairman of this committee. "When every body expected that nothing should be mentioned in the house, but the dispatch of

the Treaty of the Pacification, by the commissioners of both sides; which was the only obstruction to the discharge of the Armies, and which could be done in two days, if they pursued it; they called in a morning (May 17.) for the bill, that had so long been brought in by sir Edward Deering, 'For the Extirpation of Episcopacy,' and gave it a second reading, and resolved, 'That it should be committed to a committee of the whole house, and that it should be proceeded upon the next morning.' It was a very long debate the next morning, after the Speaker had left the chair, who should be in the chair for the committee; they who wished well to the bill having resolved to put Mr Hyde into the chair, that he might not give them trouble by frequent speaking, and so much obstruct the expediting the bill, they who were against the bill pressed and cried loud to Mr Crew to be in the chair: but, in conclusion, Mr Hyde was commanded to the chair, they who were enemies to the bill being divided in opinion, many believing that he would obstruct the bill more in that place, than if he remained at liberty, and they found it to be true. The first day the committee sat full 7 hours, and determined, 'That every day, as soon as the house was resumed, the chairman should report the several votes of that day to the house, which should determine them before it rose,' which was without any precedent, and very prejudicial to the grave transaction of the business: for, besides that it was a prejudging the house in its judgment, who, upon report of the committee, should have regard to the whole bill in the amendments made by them, which they were precluded from, by having confirmed the several days votes, it was so late every day before the house was resumed, (the Speaker commonly leaving the chair about 9 o'clock, and never resuming it till 4 in the afternoon that it was very thin: they only who invented the bill with impatience, remaining in the house, and the others who abhorred it, growing weary of so tiresome an attendance, left the house at dinner-time, and afterwards followed their pleasures: so that the lord Falkland was wont to say, 'That they who hated bishops, hated them worse than the Devil, and that they who loved them, did not love them so well as their dinner'—However, the chairman gave some stop to their haste, for, besides that at the end of his report every day to the house, before the house put the question for the concurrence in the votes, he always enlarged himself against every one of them, and so spent them much time, when they were in the heat and passion of the debate, they oftentimes were entangled in their questions; so that when he reported to the house the work of th day, he did frequently report 2 or 3 votes directly contrary to each other, which, in the heat of their debate, they had, unawares, run into. And after near 20 days spent in that manner, they found themselves very little advanced towards a conclusion, and that they must review all that they had done, and [illegible] king being returned to begin his Journey [illegible] Scotland, they were forced to [illegible] their beloved bill, and let it rest; sir [illegible] Hasleng declaring in the House, 'That [illegible] would never be carried out of any into [illegible] chair' one half they ever after the courage to resume the consideration of the bill till after the disputes ended.

In this Proceeding relating to the Peace

the house of commons [illegible] into a committee [illegible] bill, which they [illegible] and [illegible] having been given him of leave [illegible] the earl of Northumberland [illegible] his brother Henry Percy, esq. one of the knights for the county, who in [illegible] some expressions of his [illegible] making a further [illegible] dispatched two of their members, Mr Hollis and Mr Hampden, to the earl, for further information about it. These gentlemen being returned, reported to the house, 'That they had waited on the earl, and informed him, that the house desired to know if he had received any letter, or relation, from his brother, that they found him much troubled, conceiving that there were more doubts and jealousies raised. He said he had received no such letter, or relation, but only [illegible] from his brother, of his own hand writing, in which there was something concerning a discovery. In this letter, he said, there was [illegible] some business between him and his brother, which was the occasion of his keeping the letter [illegible] the house pleased, he was [illegible] to give them a copy of so much of it as concerned their business, which any member might [illegible] with the original. At present, he said, his brother acknowledged the taking of an oath of secrecy that the company concerned had tied themselves by that oath, and were resolved to assist the king, if it was denied by parliament, to maintain bishops in their votes and functions; also, the Irish army not to be disbanded till the Scots was; and to keep up the king's Revenue." The house then ordered the aforesaid gentlemen to go again to the earl, and desire a copy of so much of the letter as concerns this business.*

The next day Mr. Hollis acquainted the house, That they had waited upon the earl, then lord admiral, for a transcript from the letter, and the same was read in the house: in which was much that concerned 5 members of their body, viz. commissary Wilmot, member for Tamworth, col. Ashburnham, member for Luggershall, and col. Pollard, member for Boralston. On which the two first were ordered to withdraw, and col. Pollard was examined, on interrogatories, on the spot, and afterwards the others; when it was resolved, upon the question, "That they should all 5 be committed prisoners, upon suspicion of High-

* This Letter is in Rushworth, vol. IV. p. [illegible] and Nalson, vol. II. p. 865.

...os, viz. col. Wilmot, to the Tower; col ...chain, to the Gatehouse; and col Pol... to the King's-Bench."

In the afternoon of this day the two houses ... another conference, in which the earl of ... proposed to the commons, "That a ... disbanding of the armies should be made, ... they were provided for it at present; and ... lords would be ready to give them all pos... assistance for perfecting that great work: ... if the commons would make out an esti... of what would be wanting for it, the ... would join with them most readily for ... such time that a total disbanding and ... morning be resolved on and declared, it was ... to be doubted but there would be ... greater difficulty in raising money and getting ... credit, and therefore it was desired to employ ... their joint endeavours for a total disbanding ... the armies. If there be not a possibility ... presently to disband all the 5 regiments, it was ... held fit to be proposed to the Scots, that they, ... at the same time, at least, retire from the Tees ... homeward, and ship their field ordnance at ... Newcastle; and that the English like wise ... cause their ordnance to retire with the train ... of Artillery." In consequence of which, the ... commons went upon ways and means to effect ... this necessary work, and to raise money for ... payment of the armies; and a committee was ... appointed for that purpose.

State of the Debt due to the English and Scots armies.] June 17. Sir John Hotham, ... member for Beverley, reported the State and ... Substance of the then National Debt, on the ... King's Account, to be as follows:

"The Parliament undertook to pay the Army ... and Garrisons upon 10th Nov. last, which, ... to 29th June, is 8 months and 7 days £. 412,050
For disbanding, a month's pay . . 50,000

462,050
The king's Army hath had of this . 150,000

Remains due to the King's Army . . 312,050

The Treaty, from which time we pay the Scots, begun Oct. 16th, which, to 29th June, is 8 months 24 days 216,750
For shipping 4,000

Total due to the Scots is . . . 220,750
The Scots have had 105,000

Remains due to them, Shipping and Pay 115,750
Due to the King's Army à contra . 312,050

Total due to the King's Army and the Scots 427,800

To the Scots must presently be paid, of the Brotherly Assistance money 80,000
And there must be, within 15 days, in Yorkshire, else the Sum will every day encrease 507,800

To pay this great sum we yet but know of, from the old customers . 100,000
From the new Customers 15,000
From the City 40,000
And, a month hence, from the old Customers 5,000

203,000

So that all the money we have yet in view being gone, we are to provide 332,800
If the country trust the Bills, and the Officers, from a Captain upwards, be in half-pay, it is thought it will amount to 60,000

Which taken out of the sum, will rest 322,800

For the money provided by Subsidies, and otherways, the State is conceived to be thus:
Upon the first six subsidies . . . 300,000
Upon the last 400,000
Upon the old Customers . . . 150,000
Upon the new 15,000

Total is . 865,000
The two Armies have already had . 255,000

Remains . 610,000

There was owing to the Scots, besides this, 220,000*l.* for which security must be given them."

After the reading of this Account of the Public Debt, the house of commons ordered, "That all the Merchant-adventurers in town should have notice to attend the committee for raising money, in order to borrow so much of them as would serve the present occasions, at 10 per cent interest." Another conference was also desired with the lords, and a free debate concerning the disbanding of the armies.

Act of Tonnage and Poundage passed by the Commons.] The Bill "For granting to the king a Subsidy of Tonnage and Poundage, and other sums payable upon merchandize imported or exported," was read a third time, passed, and ordered to the lords.

Proposal for a Poll-Tax to pay the Armies.] June 18. Sir John Hotham made another Report, from the committee for advancing Money. "That the proposition for making Spanish money current was wholly rejected. Likewise, that it was proposed from the committee, that every

		£.	s.
	Duke should pay	100	0
English or Irish	Marquis . . .	80	0
	Earl . . .	60	0
	Viscount . .	50	0
	Baron . . .	40	0
Baronets, and Knights of the Bath		30	0
Knights		20	0
Esquires		10	0
Gentlemen that have 100*l.* per ann		5	0
Every Bishop . . .		60	0
Every Dean . . .		40	0
Canon Resident . .		20	0
Archdeacons . . .		10	0
Chancellors and Commissaries		2	0

	£.		
Prebendary		10	0
Every Parson, whose Living is 100*l.* per annum		5	0
Lord Mayor of London		40	0
Aldermen		20	0
Aldermen's Deputies		15	0
Common Councilmen		5	0
Master and Wardens of the twelve Companies		10	0
Every one of the Livery thereof		5	0
Master and Wardens of the other Companies, and such as have fined for Master or Warden		5	0
Every one of their Livery		2	10
Every Freeman of the twelve Companies		1	0
Every Freeman of the other Companies, except Potters and Watermen		0	10
Every Merchant Stranger, being a Knight		40	0
Every Merchant Stranger at Sea		10	0
at Land		5	0
English Merchants at Land, not free		5	0
Factors		2	0
Handicrafts-men, Strangers, per poll		0	2
If House-keepers		0	4
Serjeants at Law		20	0
King's Serjeants		25	0
King, Queen, and Prince's Council		20	0
Doctors of Law and Physic		10	0
If Papists		20	0
Every Man of 100*l.*		5	0
Every Man of 50*l.* per annum		2	0
Every one that can dispend 20*l.* per annum		0	5

All other Persons above sixteen, such as receive Alms only excepted, to pay 6*d.* per Head Recusants, double in all."

This Poll-Tax was agreed to by several Resolutions of the house, with some alterations and additions too tedious to mention; because they run through all orders and degrees of men, from the highest almost to the lowest, not omitting widows, who were each to pay a third part rated upon her husband's degree.

Bill against Pluralities and Non-residence.] A bill against Pluralities and Non-Residence was, this day, read the third time in the commons; and, being passed, was carried up to the lords for their assent. By this act it was provided, "That whosoever had two livings, should, before the 21st of Sept next, resign one of them and that if any clergy-man should be absent, at one time, 60 days from his living, he should, ipso facto, forfeit it"

June 21 The lords passed the bill for granting Tonnage and Poundage to the king, and received the other concerning Pluralities and Non-Residants. At the same time Mr Hampden, who carried it, desired the lords to be as speedy as their convenience would allow of in passing the three bills formerly sent up, viz. concerning the Star Chamber, High Commission, and disarming of Recusants

Foreign Letters ordered to be stopped and examined by the Lords.] June 22 A message came up from the commons to the lords to this effect "That this house finding every day new discoveries, of secret councils and meetings of Jesuits and others, and of several plots and designs to disturb the peace of this kingdom and of Scotland, and that this house was confounded it was fomented by our enemies abroad, who have correspondencies with such as are here amongst us they therefore desired their lordships to take such a course as they should think fit, that all these suspected persons might be staid and examined; and all letters, of that week, inward and outward, seized upon and brought to their lordships for their perusal" This request was wholly complied with by the lords.

The Speaker's Speech to the King at presenting the Bill of Tonnage and Poundage.] June 22, p. m. This afternoon the king came to the house of peers, and, being seated on the throne, the commons were sent for; whose Speaker, on the presenting the bill for Tonnage and Poundage, made a speech to the king; which being answered from the throne, and the bill, being passed, his majesty withdrew. The Speaker's speech was as follows

"Most Gracious and Dread Sovereign; That politic, which weighs the prerogative of the king and property of the subject in the same scales, increases the plenty of the crown and contentment of the people the even poising of this beam enables both; the one being ordained for the preservation of the other. This principle is so riveted into the hearts of your subjects, by the acts of their ancestors and traditions of their forefathers, that it hath created a belief in them, that their wills are bound to a due allegiance; and their fortunes and estates, as well as their duty and subjection, must bend to the commands of that sovereign power, with which God hath invested your sacred majesty Compulsory obedience, advanced by the transcendent power of prerogative, is too weak to support the right of government: it is the affections and estates of your people, tied with the threads of obedience by the rules of law, that fastens safety and prosperity to the crown. The experiment of elder times, in the reigns of the most valiant, puissant princes, hath concluded this the sovereign preservative against the diseases of distraction and confusion; and makes it manifest to the world, that the honour and glory of this throne is to command the hearts of freemen. This admitted, the permission of the least diminution, or any eclipsed interposition between the honour and plenty of the crown, contracts a scorn upon the nation. Several parliaments, in former times, have stampt the character of a free gift upon the fore front of this Aid: still offered by the people as a sacrifice of thanksgiving to the crown for the safe conduct of your merchants, and provision of the navy; to strengthen your undoubted dominion over the seas, which have protected your allies, and is a terror to your enemies.—Our hopes were long since to have settled this, for the measure and the time;

and with this to have presented to your sacred majesty the triumphant palm of tranquillity in all your kingdoms: but, as a ship floating upon a rough sea, we have been cast upon the rocks of fear and dangers, and tossed on the billows of distraction and distrust of church and commonwealth, where we yet remain, hopeless ever to pass through that narrow channel which leads to the haven of peace, unless we be speedily steered on by the hand of your sacred wisdom, care, and providence. In the midst of all these troubles, and the several opinions which have been amongst us, no division had power to distract any one of us from the care and duty we owe to your sacred person. And, to that end, am I now sent by the commons of England, to present this as a mark only, whereby your sacred majesty may see the inward duties of our hearts, until time and opportunity will give leave for a further expression of our duties and affections. The acceptation of this gift will glad the hearts of your people, and your approbation (by the royal assent to this bill) bring the largest for the measure which was ever given) will join wings to our desires and hopes, which shall never return without that olive leaf which may declare that the waters are abated, and that your sacred majesty may have full assurance of the faith and loyalty of your subjects."

The King's Answer.] The King's Answer was as follows:

"I do very willingly accept of your offer made at this time, as a testimony of your love and that dutiful affection you owe me, and I am very doubt but that you will perform what you have intimated unto me, in perfecting the other bills when you have leisure. Likewise, in passing this bill, you cannot but see a great testimony of the trust and confidence I have in your affections; as, since this parliament it began I have omitted no occasion, whereby I may shew such affection to my people, as I desire my people should shew to me, and not only so, but likewise in eschewing all occasions of dispute, in seeking to remove jealousies, and for this particular bill, you cannot but know that I do freely and frankly give over that right, which my predecessors have esteemed their own, though I confess disputed, yet so as it was never yielded by any one of them: therefore, you must understand this as a mark of my confidence in you, thus to put myself wholly upon the love and affections of my people for my subsistence, and therefore, I hope, in the perfecting this you have begun, you will go on the more chearfully. And as for those rumours, which have bred suspicions concerning the Army, though I have heard some loose discourses touching it, which I never understood otherwise than as having relation to the Scots Army, or preventing of fears and jealousies; yet they were so slight of themselves that they vanished, by their own lightness, within few days after they were born. Wherefore, having shewed you my clearness in this, I will leave you with this assurance, that I never had other design, but to win the affections of my people by the justice of my government."

Ten Propositions of the Commons relating to the State of the Kingdom.] June 23. A paper of Instructions, given by the earl of Montrose, the lord Napier, and the lords of Keir and Blackhall, having been read in the house of commons, that body came to several Resolutions concerning the Security of Scotland. A committee of seven were appointed to withdraw immediately into the court of wards, to prepare heads for a conference with the lords about that, and other business of the nation.

June 24. The heads for a conference being read in the house by Mr Pym, and agreed to, a message was sent up to the lords by sir John Hotham, to desire one immediately. The report of this conference was made in the upper house, that day, by the bishop of Lincoln, to this purpose: "Mr Pym told their lordships, that he was commanded by the house of commons to present unto them their continued care and endeavour for the good of the kingdom; that as their affections were united with them to one great end, to serve God, the king, and the commonwealth, so their counsels might jointly co-operate thereunto that there was but one end, and one foundation of all these affections and counsels, howbeit they spread themselves into many and several branches; for they were all so united and weaved with the duties which we owe to our God, our king, and our common wealth, that we cannot duly and truly serve God, but thereby we serve our king, nor serve God and our king as we ought, without our service to the commonwealth: but, as a way to this common and general end, he was to make unto their lordships several Propositions. Because they had lately found out very malignant and pestilerous designs, set on foot, or plotted, to trouble the peace of the kingdom; the which, though they were prevented, yet were still pursued; which was the reason the house of commons did present unto their lordships these Propositions, in ten several heads, which have their branches and subdivisions made under them.

PROPOSITIONS.

"Concerning Disbanding of the Armies.

1. "This in the first front, because it was best to be done and make way for all the rest; and this had 4 several branches. 1. The house of commons desired the 5 regiments to be disbanded, according to a former order agreed upon by both houses. 2. The commissioners for the Scots to be desired to withdraw some of their troops from the Tese. 3. That their lordships would join with the house of commons in an humble motion to his majesty, to disband the 5 regiments to be disbanded, and the rest of the army as soon as money can be provided, and for the punishment of those

who shall refuse to disband, if any such there be 4 That the lord general should be intreated forthwith to repair to the army, on the 30th inst at the farthest; at which time the money would be there. And that the lord Newport, master of the ordnance, be also there, to take care of that and all other things under his charge."

II "That his majesty would be pleased to allow a convenient time, before his journey into Scotland, that the army might be first disbanded; and that some of the important affairs, now depending in parliament, may be dispatched before his majesty's journey This Proposition he backed with these 4 reasons 1 The safety of his majesty's person 2 The removing of the jealousy of his good subjects 3 The cutting off the hopes of those who are ill-affected, and have any design of disturbing the peace of the kingdom, by means of the army 4 The great advantage in his majesty's own affairs, and contentment of his people, if, before his going, the royal assent might pass to three bills, concerning the reformation of the church and state, (of which some are already sent up, others in preparation) with the bill intended for the further grant of Tonnage and Poundage, and other customs and that some time might be employed to regulate the king's estate and revenue; to free them of unnecessary burdens, and to employ them for the good of the commonwealth All these, he said, required his presence in parliament."

"Concerning his Majesty's Council and Ministers of State.

III. "That his majesty may be humbly petitioned to remove such evil counsellors, against whom there may be any just exceptions; and for the committing of his own business and the affairs of the kingdom to such counsellors and officers as the parliament may have cause to confide in because all the ill effects we feel are produced by these ill counsels; in all the 3 fundamentals before spoken of 1. In matter of religion 2 In the king's private estate 3. In the good of the whole kingdom: all these 3, he said, were destroyed; but those of another kind and allay had much prospered, of late, amongst us; as matters of Monopolies, of Projects, and new Inventions —Here he told your lordships a tale of a gardiner, who being demanded, why the weeds grew so fast and the flowers so thin in his ground-plot? answered, the weeds were the true children, but the flowers were but so many ships and bastards So, said he, it is written, 'That kings shall be our nursing fathers, and queens our nursing mothers' but we have found here, of late, by reason of evil counsellors, no nurses but firebrings of the public state. These, therefore, are especially to be removed, for the reducing the kingdom to a better condition and posture However, this request is by the house of commons recommended but in general, for this present, without pointing out or designing of particulars, in hopes the king will find them out of himself; otherwise it [illegible] cause the house of commons to reduce [illegible] petition to names of particulars — The [illegible] they desired your lordships to commend [illegible] his majesty, That he would put the offices [illegible] the kingdom and his own into such hands [illegible] his maj. and the parliament may confide in."

"Concerning the Queen's Majesty in several Branches.

IV "That his majesty would be graciously pleased, by advice of his parliament, to [illegible] suade the queen to take some of the nobility and others in trust into her service, in [illegible] places as are now in her disposal, [illegible] she has shewed herself ready to do any thing for the common good of the kingdom: Of this kind are, 1 That no Jesuit be entertained in her majesty's service, nor any Priest, [illegible] of his majesty's dominions. The reason of this is, that the Jesuits are banished out of all other courts of Catholic princes, and acts against our laws that native Priests should [illegible] here. 2 That the college of Capuchin at Denmark house, may be dissolved, and the persons sent out of the kingdom. The reasons of which are, 1. Then being here is a scandal to religion and a danger to our peace 2. Disaffection to the state, manifested in the late dated May 6th, in which many scandals are cast upon the parliament and the good subjects, under the name of Puritans, or disaffected and injurious to the queen's person, and [illegible] upon the cardinal excited to some design against England Next the letter of [illegible] Philips, wherein, by way of reproach to the parliament, he writes, 'That the Protestation taken by both houses, is like the Scots Covenant but something worse' And that divers informations had been given of great quantities of gold transported by these priests. The [illegible] branch concerning the queen, was upon the special occasion of his majesty's absence, that your lordships would join with the house of commons to advise the king, that some of the nobility and others of quality, with a competent guard, might be appointed to attend the queen, for the security of her royal person against all designs of the Papists, and others ill-affected to the peace of the kingdom The reasons given for this branch, were, 1 To secure her from Popish attempts 2 By the watchfulness of those worthy persons, Priests and Jesuits may be kept from court It was urged, that therein he intended neither any disrespect he said it was a blessed thing to be kept from temptation; and, to be rid of these flies, would gain the queen the love of the people in the king's absence."

"Concerning the Prince and the rest of the Royal Issue.

V. "That some person of public trust, and well-affected to religion, may, by consent of parliament, be placed about the prince, and may take care of his education, especially in matters of religion; and that the like care

n y be taken of the rest of his majesty's children."

" On Papists coming to Court.

VI " 1 It is humbly desired that your L——ships would join with them in a petition, that his majesty would be sparing in licensing P——s to come to court " 2 That if they do come, without licence, they may be punished accordingly, and the laws be put in execution against them " 3 That if any English woman, that is a Papist, be about the court, she may not reside there " 4. That no pension be given to any living beyond seas, which is of dangerous consequence. 5. That English ladies, Papists, be removed from court; and the king moved for his assent, that the persons of the most active Papists be restrained, as shall be necessary for the safety of the kingdom, be they lords or others."

" Concerning the Nuncios.

VII " That it may be declared, by an act of parliament, that if any man shall presume to come to this kingdom, with instructions from the Pope or the court of Rome, that he shall be in the case of High Treason, and out of the protection of the king and the laws."

" Concerning the Security and Peace of the Kingdom.

VIII. " 1 That men of honour and trust be placed lord lieutenants in every county, and that direction be given to these lieutenants, to be careful in the choice of their deputies 2. That the Trained Bands be furnished with arms, powder, and bullet, and that they be exercised and made ready for service Also that an oath be prepared to pass both houses of parliament, to be taken by the lord lieutenants, deputy lieutenants, and other officers of Trained Bands, to secure their fidelity in these dangerous times That the Cinque Ports, and other ports of the kingdom may be put in to good hands, and a list of those who govern them now may be presented to parliament, and those persons altered upon reason, and that a ——— there upon for reparation and prevention for the future 4. That the lord admiral * that noble lord, in whose honour the house of commons stands seized be desired to inform the parliament in which case the Navy is that there be any defect, it may be provided for out of the money which is to come upon the bill of Tonnage and Poundage, and that if any suspected person have any command in any of his majesty's ships, he may be removed."

IX " That his majesty would be pleased to give direction to his learned counsel to draw a general Pardon, in such a large and beneficial manner, as may be for the security of his subjects."

X " A select committee of the lords to join with a proportionable number of the commons, from time to time, to consider about these particular courses, as shall be most effectual for reducing of these Propositions to effect the public good."

Orders relating to disbanding the Armies.] June 2 A committee of ten lords were sent to the king, to desire that his majesty would declare the disbanding of the five Regiments, &c according to the tenor of the first of these Propositions; and this day the king's Answer was reported back to the house, " That his majesty gave way to their lordships desires, and to the advice of both houses of parliament; but wished them to take such care therein, that the disbanding be both honourable and safe " adding, " That the Pope's nuncio should be presently sent out of the kingdom."

The Answer which the Scots Commissioners made to the request of both houses, about causing their army to retire from the river Tese, at the same time the English regiments were disbanding, was also reported to the lords: " That they would presently dispatch a messenger to their general, and they are confident that he will do accordingly, when he understands it also that they agreed to a cessation of arms for 14 days longer; and, lastly, they desired that the Resolutions and votes of the house of commons, concerning an act of parliament public both, relating to the security in the money due to the army called 'Brotherly Assistance,' which was 220,000*l.* might pass with the consent of both houses."

The earl of Holland, lord general of the English army, reported to the house, " That, notwithstanding the king had given his consent for the disbanding the 5 Regiments, he was of opinion the army could not well be disarmed, without some power to punish such as should mutiny, or refuse to be disbanded, therefore desired the house to take this into consideration." On this a Mutiny-Act, to punish such as should be refractory, was agreed to be [illegible] by the commons, which was only to serve the present purpose, and the with it. But the commons thought it better to desire the general to execute martial law in such persons; who answered, " That he would go down immediately, and use all the cautions [illegible], and though the disbanding armies might be irksome to some who delight in action, yet, for his part, he had rather see those armies turn their backs one to another than their faces, for the quiet of the kingdom."

June 20 Notwithstanding these precautions, the house of commons seemed to be uneasy about the disbanding of these forces; for this day it was resolved, " That this house holds it fit the lords be moved to desire his majesty, that a Proclamation may presently go down, to declare, That those that should disobey the lord general, or their officers, in disbanding the Army, shall be punished severely, as in contempt of the king and parliament." Likewise it was resolved, " That a command shall be given to the high sheriff of every county, the lord lieutenants, deputy lieutenants, and the justices of peace, to give aid and assistance to the safe conduct of such soldiers as [illegible] the house [illegible]

* The earl of Northumberland.

shall pass through their several counties, till they come to their own homes." Both these articles were agreed to by the king, and orders given accordingly.

The same day the lords debated the ten Propositions sent from the commons, and when they had proceeded to the 4th Article, concerning the queen, it was ordered, "That this head and branches should be laid aside, for the present, till the matter of the marriage be seen." The rest of them were all agreed to, except some few branches which were left to be treated of by a committee, and seven lords were appointed for that purpose, according to the tenor of the tenth Article.

The Parliament desire the King to stay his Journey into Scotland.] The lords, at the request of the commons, having sent a deputation of their house to wait upon his majesty, to acquaint him with the humble desires of both houses, that he would be pleased to defer his intended Journey into Scotland, for a time, till the great affairs of the kingdom, now in agitation in parliament, be dispatched, the earl of Warwick reported this Answer, "That his majesty had engaged himself, by proclamation published in Scotland, to be there, in parliament, at a certain day; but he is ready there to speak with the commissioners of Scotland, and then would give forth answer to both houses." —On the 28th, the earl of Bristol acquainted the lords, that the king had commanded him to let them know, "That he had spoken with the Scots commissioners, touching the declaring of his Journey into Scotland for a little time; and that the commissioners said, That when the motion came to them from parliament, it might appear that the deferring came not from the king, but from the desire of both houses to accommodate the affairs of the kingdom, they will give such an answer as shall be fitting." Hereupon the lords agreed in a desire a conference with the other house, to consider of what shall be propounded to the Scots commissioners, that it may be given them in writing, and they to be desired to return their Answer in the same manner.

The Proceedings against the Archbishop of Canterbury revived.] June 28. A message was sent up from the commons by Mr Pym, who was commanded to let their lordships know, "That formerly they brought up an Impeachment of High Treason against the archbishop of Canterbury, which hath been asleep ever since; but now they intend to proceed and examine divers witnesses concerning that business; therefore he desired their lordships to appoint a select committee to examine such as the house of commons shall produce; and that to be in the presence of such of their own members as the house shall appoint. In all things else as in the case of the earl of Strafford." All which were agreed to by the lords.

Declaration of the English to the Scots Commissioners, relative to the King's Journey.] [illegible] June 28. The affair of the King's Journey into Scotland came again before the lords, when the earl of Bristol reported to the house, "That the Scots commissioners had met with those of England, and had delivered to them a paper from the time of the King's Journey, which was all in the words":

"His majesty hath commanded us to let you know, that whereas he hath been petitioned by both houses of parliament, here now stay, his Journey into Scotland, and the affairs there dispatched, and the other things, for the peace and good of England, be settled; and that he may publish to his kingdoms, by his own mouth, his letters, and his resolution to be present at the holding of a parliament in Scotland, before days limited by proclamation, his mind hath been to give satisfaction to the parliament of both kingdoms, and to send unto you the three of the privy council of England, and to confer with you how the coming may be best timed and accommodated to the conveniency of both kingdoms, and the desire of both parliaments."

The Scots Commissioners Answer.] The Answer of the Scots Commissioners was as follows: "We do, with all thankfulness, acknowledge his majesty's royal and tender care of the good of his ancient and native kingdom of Scotland, and the constancy of his resolution according to his royal promise and proclamation, to be present at the day appointed. Our chief counsels the settling [illegible] the kingdom of England, as [illegible] parliament, that his [illegible] Scotland may be stayed [illegible] and most earnestly wish [illegible] Scotland, that they may [illegible] the 5th of August; [illegible] new adjournment [illegible] so many prorogations, [illegible] the present condition of [illegible] kingdom, that cannot be granted [illegible] will endeavour that they may, in the mean [illegible] all diligent care and solicitude in preparing matters for the parliament, and that they delay nothing [illegible] his royal will, until the [illegible] his majesty's coming; but we must truly, that the present constitution of this kingdom, for want of councils, session and other courts of justice, and many other [illegible] duties daily, through delays, growing grievances such that it cannot suffer any longer delay; and therefore we desire that the houses of parliament would be pleased so far to express their reciprocal respect to our affairs, that they may give present assent to his majesty's coming in his royal person, at the day aforesaid; without which we can have no ground to deal with the parliament to the effect above written.

"ADAM BLAIR, Sec."

This Answer being read, the lords resolved to have a conference with the commons concerning it; and a message was dispatched to

for that purpose: at which conference the foregoing papers were again read, and the [illegible] of the house of lords upon them. But the commons, being returned, resolved, "To desire the lords to join with them in petitioning his majesty, that he would be pleased to stay his journey into Scotland until the 10th of August; and that, if that be not granted by his journey, this house shall submit unto it." Which resolution was agreed to by the lords.

July 2. The Bill for a Poll-Tax was sent up to the lords, which, with the amendments, being read, they were agreed to by that house; but a Memorandum was entered, as a salvo for preserving the privileges of the peers of this realm, for ratifying and freeing themselves, in subsidies, by members of that house in time of parliament.

Petition against selling Titles of Honour.] A message was sent by the lords in the other house, to desire their would join with them in a Petition to the king, "That Titles of Honour may not be brought and sold for money; but that they might be conferred by his majesty, on virtue and merit, as it anciently was." Also the house of commons were desired to join with the lords in a bill for preventing of this abuse.

Acts passed for raising a Poll-Tax and for disbanding the Scots Army, &c.] The house of commons sent up three bills which had passed their house to the lords, entitled,

An Act for the speedy Provision of Money for disbanding the Armies, and settling the peace of the two kingdoms of England and Scotland: 2. An Act for regulating the Privy Council, and for taking away the Court commonly called the Star-Chamber: 3. An Act for the speedy [illegible] of Tonnage and Poundage, and other duties, granted to Queen Elizabeth, King James, and King Charles, during their respective reigns, and not yet settled by parliament. And the commons desired their lordships to join with them in their humble request to his majesty, that he would be graciously pleased to give his royal assent to these bills. [illegible] attended the king with the said bills, and brought back answer, "That he would return an answer to them all three together, with convenient speed." This message was sent to the king by the same committee of lords as before; to which his majesty said, "That he would be at the house that afternoon, and return an Answer himself."

The king's speech to the lords upon presenting the Poll-Tax Bill.] Accordingly in the afternoon of this day, the king came to the house of lords, when, the commons being sent for, his majesty made a short speech to both houses, not entered in either of the Journals; after which the Speaker, upon presenting the Poll-Tax Bill, made the following speech:

"Most excellent and Gracious Sovereign; The government of this common-wealth rests in the rules of order, and hath so much affinity and consent with the rules of nature, in the government of the world, that the first copy and institution of the one may seem to be taken from the original and first model of the other. This contemplation casts our eyes upon your sacred majesty, as that celestial orb, which, never resting without the office of perpetual motion to cherish the lower bodies, not enriching itself with any treasures drawn from below, exhales in vapours, from the inferior elements, what, in due season, it returns in showers. The application makes us consider ourselves those sublunary creatures, which, having their essence and being from the influence of those lights (as the flowers of the field) upon us receive the glory of the sun. In the relation [illegible] to contribute to the common good; your sacred majesty, as a nursing father, delighted to show on your people the blessings of peace and unity; and we, as the children of our prince, returning our duties and affections in kinds and tributes. And this compacted in one body by the ligaments of religion and laws, would have been the object of admiration to the whole world. Amidst the distractions of foreign nations, we only have sat under the shadow of our vines, and drank the wines of our own vintage. But our crafty adversaries (perceiving all the fervent profession of our own hearts, and the true observation of our laws, to have been the pillars of our prosperity) by subtile insinuations, did present a politic necessity to admit of moderation in our religion, to comply with foreign princes, and suggest it as a principle in the rules of sovereignty, to require and take, not ask and have, that it must *potestative* his power, not *potere* by laws, and keep up those miseries of war and calamity between nation and nation, and put us in the posture [illegible] to the whole world. But when we behold your sacred majesty, descended from the royal loins of that glorious king, who by his wisdom and policy, first ingrafted the White Rose and Red upon the same stock; who sheathed the sword that had pierced the bowels of so much nobility, glutted with the blood of the people; and then laid the first hopes of the happy union between the nations, when our thoughts refresh themselves with the happy

[illegible]

memory of that religious king, your gracious father, on whose sacred temples both diadems were placed, wreathed about with this motto, 'Tacitam cœsim gentem unam,' we cannot but believe that God and nature (by a lineal succession from those fathers of peace hath ordained you the [illegible] frame settles; and put into the hand of your sacred majesty the possibility and power to confirm and establish this happy union between your kingdoms, and so raise to your memory a statue of glory and wisdom from generation to generation.—In all this length of time, the assurance of this union and peace hath been the chief object of our desires; our purses have been as open as our hearts, both contributing to this great work, manifested by so many subsidies already presented, sufficient, in our first hopes, for its full perfection. But, finding that fail, have again adventured upon your people's property, and, in an old and obsolete way, new burnished by the hand of instant necessity, expressed to the world the hearts of a loyal people, and, however gilded with a new name of tranquility and peace to poor kingdoms, that with more ease the people may digest the bitterness of this pill, yet still our hearts had the same aim and object A gift suitable to a necessity of so vast extent, that none cannot parallel it by an example and by which, if your sacred majesty vouchsafe your royal assent, which we humbly pray, we shall not doubt you may soon accomplish those happy effects, that may present your wisdom the object of wonder, and your policy to be admired amongst the nations."

The king, at this time, gave the royal assent to the Poll-Bill only: For the other two his majesty said, as before, "That he had not considered of them, being bills of great consequence: but he would inform himself concerning the particulars, and return an Answer to a few days." This delay, we are told by Rushworth and Nalson, gave great disgust to the commons, though nothing of that kind appears in their Journals.

The King's Speech at giving his Assent to the Bills for taking away the Star-Chamber, &c.] June 5. The King came again to the house of lords; and, being seated on the throne, and the commons present, his majesty made the following speech:

"My Lords and gentlemen; I come to do the office which I did on Saturday last, to give the determination to these two bills; but, before I do it, I must tell you, that I cannot but be very sensible of those reports of discontent, that I hear some have taken for not giving my consent on Saturday. Methinks it seems strange that any one should think I could pass two bills of that importance as these were, without taking some fit time to consider of them; for it is no less than to alter, to a great measure, those fundamental laws, ecclesiastical and civil, which many of my predecessors have established.—If you consider what I have done this parliament, discontent will not sit in your hearts. I hope you remember I have granted, That Judges, hereafter, shall hold their places, *quamdiu bene se gesserint*. I have bounded Forests, not according to my right, but according to the late customs. I have establi[illegible] the Property of the Subject, as witness the [illegible] I have established, by act of parliament, property of the subject in Tonnage and P[illegible] duce, which never was done in any of my [illegible] cessors times. I have granted a law for a Triennial Parliament, and given way to an [illegible] for the securing of monies advanced for the disbanding of the armies. I have given free course of justice against Delinquents. I have put the laws in execution against Papists. Nay, I have given way to every thing that you have asked of me; and therefore, methinks you should not wonder, if, in some things, I begin to refuse: but, I hope it shall not hinder your progress in your great affairs, and I will not stick upon trivial matters, to give you content. I hope you are sensible of these beneficial favours bestowed on you at this time.—To conclude: you know, by your consent, there is a prefixed time set for my going into Scotland; and there is an absolute necessity for it. I do not know but that things may so fall out that it may be shortened; therefore I hope you will hasten the dispatching of those great businesses that now are necessary to be done, and leave trivial and superficial matters to another meeting. For my part, I shall omit nothing that may give you just contentment, and study nothing more than your happiness; and therefore I hope you shall see a very good testimony of it, by passing these two bills." The clerk of the parliament having pronounced the royal assent, his majesty continued as followeth "I have one word more to speak unto you, and take now an occasion to present unto both houses, that thereby I hope all the world shall see that there is a good understanding between me and my people. It is concerning my nephew, the prince elector Palatine, who having desired me and the king of Denmark to give way to a writing concerning the Diet at Ratisbon with the emperor, I could not but send my ambassador to assist him, though I am afraid I shall not have so good an answer as I wish which my nephew foreseeing, hath desired me, for the better countenancing of the same, to make a Manifesto in my name, which is a thing of great consequence; and if I should do it alone, without the advice of my parliament, it would rather be a scorn than otherwise: therefore I do propose it unto you, that if you will advise me to it, I do think it were very fit to be published in my name."

The King's Manifesto in Favour of the Elector Palatine.] This Instrument ran in these words:—"Charles, by the grace of God, king of Great Britain, &c. To all to whom this present Manifesto shall come, greeting. To the end that the endeavours of our late dear father, king James, of blessed memory, and our own proceedings, since his

death, in the cause of our dear and only sister, brother-in-law, and nephews, electors and princes Palatine of the Rhine, may not be forgotten or pretendedly unknown, wherein we have studied and laboured nothing more than the peace of Christendom, and the avoiding the effusion of innocent blood, by seeking the restitution and re-establishment of the Electoral House Palatine, in their ancient rights, dignities, and possessions within the empire, out of which they have been, by evil practice and force of arms, and other undue proceedings, expelled and banished, contrary to the antient laws and constitutions of the sacred empire, as we have thought fit, for the further manifestation of our honour, to call to mind, and to publish to all the world, both a summary relation of our actions and endeavours past, and our present resolutions in the same cause—It cannot be unknown to all the princes and estates of the empire, and more particularly to the whole state of any interest or relation to the public affairs of Germany, how both our self and our father, have, for these 20 years past, by many and several ambassages, treaties, and other negotiations, to our great expence and charges, with the late emperor Ferdinand, the king of Spain, and other princes of the house of the empire, endeavoured, by all fair and good treatable means, to procure the restitution and re-establishment of our said brother, brother-in-law, and nephews, in the ancient rights and possessions, as the only and proper way to settle a good and firm peace in the empire, and consequently with all princes interested therein, without which it is impossible to expect or hope for a good, stable, and honest pacification of those troubles which have already almost rent, consumed, and involved all the princes of Christend om in an unbloody and destructive war—And to declare demonstration of our sincere intentions, not only our own pious inclination and care of the public peace, hath induced us to many diverse occasions, whereby we might, by such proper

God hath put into our hands, have prevented the violences and oppressions used to our said sister and nephews, but we have been led on, and invited thereunto, by divers princes, ambassadors, and several letters, both from the late emperor, the king of Spain, and other parts of the inheritances of the electoral House Palatine, that they would at last, in contemplation of our mediation, hearken and incline to a just and honest peace, by the restitution of the estates and dignities of our dear sister and nephews; whereby we have been drawn not only to pass by our own and the public interest, and to forbear to engage our arms in so just a cause, but also have procured, by our father's and our authority, the withdrawing and disbanding of the forces of Mansfelt out of the Palatinate, and advanced divers truces and cessations of hostility and defence, only to prepare the way of amicable composition, according to the hopes and promises to that end given us; and pursuant

larly, have caused the surrender and demolition of some places of strength into the hands of the late Infanta of Spain, upon reciprocal assurances of a final pacification or restitution — But what effects all these our peaceable and Christian endeavours have produced, and how all our pious negotiations have been either belied or defeated, hereby and by process of time from all establish the usurpations of the House Palatine, and our patience and piety thereby abused, is so manifest by the continued oppression of our said dear sister and nephews, that we are forced to protest, that their hath nothing succeeded, either to our desire or hopes, but a resolution in despair of ever obtaining, by the ways of justice, treaty, or amity, that which hath been so often promised to, and expected of, the lovers of Christian peace —Notwithstanding we have lately received advice from our dear uncle, the king of Denmark, that, at last, by his mediation and procurement, the present emperor and the elector Bavaria have descended to a Treaty to be held, at the Diet of Ratisbon, upon the 9th of May last past, for the reviewing and the resetting of the controversies of the House Palatine, as a preparation and inducement to a general peace and amnesty through the whole empire, and that he, with some of the electors of the empire, is accepted as a mediator of the said cause, and hath received strong and present assurances of a better inclination and disposition toward the re-establishment of the electoral family, in their rights and dignities; and, to that end, hath procured convenient safe-conduct from the emperor to our nephew and his brethren, freely to come in person, or to send their deputies to that diet, at the time and place appointed, with all other clauses requisite for their safe going, abiding, or coming from thence; and thereto plead the justice of their own cause, and it, in prosecution thereof, he hath received full power he his ambassadors to assist either in person, or by the deputies of our nephews, at the said treaty of pacification, and hath desired us her in to comply with him, by sending our ambassadors qualified and instructed to the same purpose of procuring a good and settled peace within the empire, according to the intimation of the princes electors, signified to him by their letters, thereby desiring us to assist in the present treaty at Ratisbon —To which end, our nephew, the prince elector Palatine having resolved, by our counsel and advice, to send his deputies according to the invitation and hopes intimated of a good issue to be expected by the accustomable way of treaty and composure, we have also thought fit not to be wanting to so good a design, so concurrent to our own and the desires of so many princes and, in some hope of better fruit than hitherto all our endeavours have produced, have resolved to make this our last trial by the way of treaties, and to send our ambassador to the emperor and other princes in the said diet assembled.

and, to that purpose, have given him full power and instructions to contribute all our authority to the procurement and settlement of a good and blessed peace, by the re-establishment and restitution of the possessions and dignities of our said dear sister, nephews, and electoral family, without which no peace can be either honest or secure: hereby exhorting and desiring all other kings, princes, and states, our friends, allies, and confederates, who shall either be present at the said diet, or shall have their ambassadors or deputies there, that they will be assisting to the justice of so good a cause, and to so great a blessing, as the restoring of peace in the almost desolate estate of Germany. But because we may have just cause to doubt, by many experiences of our former endeavours, that the issue and fruit of this meeting may not be answerable to our just expectation; but rather that it may produce contrary effects, to the prejudice of the justice and rights of our said nephews and their family, (which God forbid) in such case by forced to protest against all acts, sentences, conclusions, or determinations whatsoever, which shall or may be had, made, or declared either in confirmation of the unjust sentence and usurpations past, or may add thereto for the future, as invalid and of no power or effect. In which case, being contrary to our desire and expectation, we also further protest and declare, that we will not intend either our own or the public interest, nor the duty, rights, and just pretences of our dear sister and nephews, and other princes and states involved within their oppressions; but that we will use and employ all such force and power wherewith God hath enabled us both by our own arms, and the help and assistance of all our allies and friends, to vindicate our own honour, the public peace, and redress of the injuries, usurpations, and oppressions of our said dearest sister and nephews and their illustrious family.—And lastly, as we do profess to use all our endeavour and power to promote a happy and desired peace for the consolation of the distressed empire, so do appeal to Almighty God, the inspector of the hearts of all princes, and to all mankind the spectator of all our just and sincere will to be innocent, before God and the world, of all the evils that may ensue, if the consultations shall be delayed or obstructed."

This Manifesto being read, it was ordered that a copy of it be sent to the Commons.

Sir B. Rudyard's Speech in Support of the Manifesto.] In compliance with his majesty's speech, the house of commons took the Prince Elector's condition into consideration, the Manifesto was read, and a debate took place upon it, at which

Sir *Benjamin Rudyard* made the following speech:* "Mr Speaker; This great affair of the Palatinate concerneth this kingdom in nature, in honour, in reason of state, in religion. We all know how near in blood the Prince Elector is to his majesty. Many of us here know what solemn protestation hath been made in this place, for the recovery of the Palatinate, by which we are bound in honour to pursue it with our best assistance. God hath so trained the powers of man, and so ordered the course of things in this world, as that, in all actions, right reason and true religion may well hold, and go together. If we consider religion according to reason of state, we shall find that Christendom divides itself into two sides, with the Pope, and against the Pope. His majesty is the greatest king of the Protestant religion, and therefore fittest to be the head of that party, which will add more greatness to him than can be gotten any other way. The means to it are, first, to preserve religion sound and entire within his own kingdoms at home. Next, to unite the homogeneal parts, pieces of the same, together, by alliances and considerations abroad. The good effects of this German Match was lost by the ill counsels of those times: it will be an honour to us to repair it better. The restoring of the Prince Elector to his territory and dignity, will restore religion there; will strengthen it, may increase it further in Germany; which consideration is of a great and vast consequence, proportionable to the greatness and vastness of that country. It will likewise refresh and comfort the sorrowful heart of that most noble, virtuous, and magnanimously-suffering queen of Bohemia, his majesty's sister, his highness's mother, who is ever to be highly and tenderly regarded by this house, by this kingdom. This is the conjuncture of time to begin it, whilst the king of Spain hath so much to do of his own, as he is not able to afford his aids to the Emperor, which probably will induce the Emperor to abate of his former solutions. That which is now propounded, only a Manifesto, to express and declare our zeal and brightness to the cause, and to give it countenance and reputation. The present Diet at Ratisbon. Reputation in matters of state doth many times produce much in substance. His majesty's father, of blessed memory, and himself, have, for many years, mediated and treated with the successors, by all fair and amicable means. They have been deluded, they have been misled. It behoves us, Mr Speaker, to be duly sensible of the injustice of these indignities. Wherefore my humble motion is, that the house will be pleased, presently, to appoint a select committee, to compose a Declaration suitable to the importance of the cause." But the further consideration of this Manifesto was deferred till the 7th.

This day, Mr. Treasurer (sir H. Vane) acquainted the house, that Rossetti, the Pope's Nuncio had left England.—A message was also delivered from the king, concerning

* From the original edition, printed by Francis Constable, 1641. [illegible] [illegible] [illegible]

...Mother, who was very desirous to de... the kingdom, only money was wanting to ... her charges, which would amount to no ... 10,000*l.* Upon which the commons ...tely consented that there should be so ... paid out of the Poll-Money for that ...

...les of Impeachment against Dr Wren, ... of Ely.] July 5 p. m. Sir Thomas ... Harrington brought in 25 Articles against Matthew Wren, late bishop of Norwich, now ... of Ely; which being read, and single ... were ordered to be engrossed. These ... were as follows:

The said Matthew Wren, being popishly superstitiously affected, did, in his first coming to be bishop of Norwich, in 1635, endeavour, by sundry ways and means, to suppress the powerful and painful preaching of the word of God, did introduce divers orders and innovations, tending to superstition and idolatry, and disturb and disquiet the orderly and settled state of the ministers and people, and churches of that diocese, to the great prejudice of his majesty; the great grief and disquiet, and hazard of the estates, consciences, and lives of many of his loyal subjects there, to the manifest bringing in, and increasing of prophaneness, ignorance, and disobedience in the common people, as by the particulars ensuing may appear. I. Whereas many churchwardens, churches, during all the time of queen Elizabeth, king James, and of his late majesty that now is, had been and continued even and flat, without any steps ascending towards the east-end of the same; and are, by the rubrick in the book of Common-Prayer, ordered to continue as they were; and so ought to have continued, but of his own mind and will, without any lawful warrant or authority, in 1636, being then bishop of Norwich, ordered and enjoined, that the same should be raised towards the east-end, some 2 some 3, some 4 steps, that so the Communion Table, there placed Altar-wise, might be the better seen of the people. II. He, in the same year 1636, ordered, that the Communion Table (which is appointed by the said rubrick at the time of the celebration of the Lord's supper to be placed in the body of the church or chancel, where divine service is usually read, and where the people may best hear and see) should be set up close under the east window of the chancel of the chancel, altar-wise, and not to be removed from thence; whereby the minister, who is by the law to officiate at the north side of the table, must either stand and officiate at the north-end of the table, so standing, altar-wise, or else, after the popish and idolatrous manner, stand and officiate at the west-side of the table, with his back towards the people.—III. He enjoined, that there should be a rail set on the top of the new raised steps before the communion table, so set altar-wise as aforesaid, which rail should reach from the ... th-side of the chancel to the north-side; within which the minister only should enter as a place too holy for the people; and some of the people were punished for stepping into it. IV. The more to advance bind superstition, he ordered, that all the pews in the churches should be so altered, that the people might kneel with their faces eastward, towards the communion table, to set altar-wise as aforesaid, and that there should be no seats in the chancel above, or on either side, even up with the said rails. V. He enjoined, that every minister, after he had finished the reading of some part of the morning-prayer at the desk, should go out from the same to the holy table, set altar-wise, as to a more holy place, and there, when no communion was to be administered, read at the said table a part of the communion service, now commonly called, 'The Second Service,' whereby the consciences, both of the minister and people, have been not only very much offended and grieved; but also the service itself was made very unprofitable to the people, who could not hear what was said or prayed in that place. VI. That both he in his own person, in chaplains, and others of the clergy following his example, did, ever after the aforesaid, so set altar-wise, use and perform such so many, and so frequent bowing, and adorations before and towards the said table, as has been a pernicious example to draw others to the like superstitious gestures, and have given great scandal and offence to the sound, sincere, and well-affected Christian. VII. He enjoined all the people to come up to the rail to receive the holy communion, and there kneel, and do reverence before the said table, placed altar-wise; and prescribed to the ministers not to administer the communion to such people as should not so come up, and in such reverence as aforesaid, and that the minister should, within the rail, deliver the bread to such people only as did kneel before the said table as aforesaid. This was to the offence of the consciences of many good people; who, in regard of their sin and superstition, durst not come to kneel at the said rail before the table so placed altar-wise; and many people not coming up thereto, though presenting themselves upon the Lord's days in the chancel, have not had the communion delivered unto them; and thereupon for not receiving, have been excommunicated. VIII. He did enjoin and command, that there should be no sermons on the Lord's days, in the afternoon, or on the week days at all, without his licence. And also enjoined, that there should be no catechizing, but only such questions and answers as are contained in the book of the Common Prayer, not allowing the ministers to expound, or open, the same to the people; he and his under-officers affirming in public places, that such an exposition might be as ill as a sermon. And, the more to hearten and confirm the people in prophaning the Lord's day, he enjoined the ministers to read publickly, in their churches, a book published 'Touching Sports on the Lord's day' for not reading whereof, some ministers were, by the command and di-

... Parl. Hist. ... [illegible] ... [illegible]

rections of the said bishop, suspended, some deprived, and some otherwise troubled. By all which, knowledge was suppressed, and ignorance and prophaneness introduced in that diocese.—IX. There having been formerly two kinds of ringing of bells, and calling people to the church, in that diocese, the one kind when there were only prayers to be read, and another kind when there were both prayers to be read and a sermon preached; whereby the people did apply themselves to the service of God in those places, where both prayers and preaching was to be; he, to hinder the people in their good desires of serving of God and edifying their souls, did command and enjoin, that there should be no difference in ringing of bells to church, when there was a sermon, and when there was none.—X. Whereas many godly ministers, for the preventing of the great sin in the people of unworthy receiving the holy communion at the Lord's Supper, did use to preach 2 or 3 times before every Communion, a preparation sermon, to prepare and instruct the people in the right and worthy receiving of the communion; he, the said bishop, did forbid ministers to preach any such preparation sermon in that diocese.—XI. Whereas all God's Ordinances are sanctified and made fruitful by the blessing of God upon them by prayer; he, endeavouring to suppress the power and benefit of prayer, enjoined, that no minister should use any prayer before his sermon; but move the people to pray only in the words of the 55th Canon, made A. D. 1603, (which canon is not warranted by the law,) that no prayer should be used before or after the sermon; and he, in his own person, having heard the sermon in the town of Ipswich, when the preacher did use or make any other prayer, did sit upon his seat, without using, or bowing any reverence by kneeling, or otherwise, thereby to discountenance such prayer. And he, commanded and enjoined, that no prayer should be made in the pulpit for the sick, and that such as were prayed for in the Reading Desk, should be prayed for only in the two collects prescribed for the Visitation of the Sick in private houses.—XII. He, the more to alienate the people's hearts from hearing of sermons, commanded and enjoined all ministers to preach constantly in their hood and surplice; a thing not used before in that diocese, and much offensive to the people as a scandalous innovation. And the parishioners of Kuntshall wanting a surplice; he did, by his officers, enjoin the church-wardens there, that no prayers should be read in that church till they had got a surplice; which they not getting for the space of two Lord's Days after, had no prayers there during that time.—XIII. That during the time of his being bishop of Norwich, which was about 2 years and 4 months, there were, (for not reading the second Service at the Communion-Table set Altar-wise; for not reading the Book of Sports; for using unconcerned prayers before and after sermon; and for not observing some other legal innovations of him and his under-officers, and upon his directions and injunctions,) many godly and painful preaching ministers, to the number of 50, excommunicated, suspended, deprived, and otherwise censured and silenced by the [illegible] unto them, their wives and children, that they could not be about without giving promise to conform to his [illegible] and by means whereof some ministers were forced to depart [illegible] Holland, and other parts beyond seas; others of Norwich, to remove into other [illegible] dioceses, and some of them so persecuted, as hath been supposed to be the cause of their deaths, the terror of such proceedings hath caused other ministers to leave their cures and go away, and in stronger preachers at the time of such person suspended, the churchwardens permitting such person to preach were enjoined penance, and otherwise troubled.—XIV. That, during the time he was bishop of Norwich, he did unlawfully compel the inhabitants of the several parishes within the diocese, to raise the floors of the chancel of their parish churches; to rail in their communion-tables, to remove the pews and seats, and to make other alterations in their respective churches, in the doing whereof the said inhabitants were put to great, excessive and unnecessary charges and expences, amounting, in the whole, to 500*l.* and upwards, which said charges and expences he did, by unlawful means and courses, enforce the said inhabitants to undergo; and such of the said inhabitants as did not obey the same, he did vex, trouble, and molest by presentments, citations, excommunications, tedious and frequent journies, and by prohibitions out of the courts of his chancellor, and other inferiors.—XV. That, for not coming up to the rail to receive the Holy Communion kneeling there before the table Altar-wise, for not standing up at the Gospel, and for not observing and performing of his unlawful innovations and injunctions, many other of his majesty's subjects have been, by him, his chancellors, officers, commissaries, and officials, by his unlawful acts and injunctions, much molested, disquieted, and vexed in their estates and consciences, by the citations to courts, long attendance there, dismission, fees, excommunications, penances, and other censures. XVI. That, by reason of the rigorous prosecutions and dealings in the last preceding Articles mentioned, and by reason of the continual superstitious bowing to and before the table, set Altar-wise, suspending, silencing, and driving away the painful preaching ministers, the suppressing or forbidding of sermons and preaching, the putting down of lectures; the suppressing means of knowledge and salvation, and introducing ignorance, superstition and prophaneness, many of his majesty's subjects, to the number of 3000, many of which used trade of spinning, weaving, knitting, and making of cloth, stuff, stockings, and other manufactures of wool; some of them setting 100 poor people

on work, have removed themselves, [illegible] and estates, into Holland, and other parts beyond the seas, and there set up and taught themselves there the said manufactures; to the great hindrance of trade in this kingdom, and to the impoverishing and bringing to extreme want very many, who were, by those parties, formerly set on work, to the great prejudice of his majesty and his people.—XVII. That he, the said bishop, finding the people disaffected to his innovations, hath often, in public and private speeches, declared, in the said year 1636, that what he did in the same was by his majesty's command, whereby he, contrary to the duty of his place which he held under his majesty, being dean of his majesty's chapel royal, and contrary to the duty of a good and faithful subject, endeavoured to free himself from blame, and to cause an ill opinion of his royal majesty in the hearts of his loving subjects.—XVIII. That he, the said Matthew Wren, being bishop of Norwich in the said year 1636, in the Tower-Church in Ipswich, and other places, did, in his own person, use superstitious and idolatrous actions and gestures in the administration of the Lord's Supper, consecrating the bread and wine, standing at the west-side of the table with his face to the east, and, his back towards the people, elevating the bread and wine so high, as to be seen over his shoulders, kneeling low, either to or before them, when he, after the elevation and consecration had set them down on the table.—XIX. That he, the more to manifest his Popish affection, caused a crucifix, that is to say, the figure of Christ upon the cross, to be engraven upon his episcopal seal, besides the arms of the [illegible].—XX. That he hath chosen and employed such men to be his chaplains, not [illegible] deans, and to his household chaplains, whom he knew stood affected to his nauseating courses, and Popish superstition, and to be favourers and unsound in judgment and practice.—XXI. That he hath very much objected favourers patrons of churches, by [illegible], without an colour of title, his own [illegible], and others whom he inducted, notwithstanding which became void within his diocese, unjustly enforcing the true and right patrons to long and chargeable suits to evict such incumbents, and to enter their own right; some of which he did against his privy word, grant to his real patrons, or their friends, [illegible] succeed in, not to do the same.—XXII. That he, and others, in 1635, sold or granted away the profits of his primary visitation for 500*l.* over and above the charges of the visitation; and, for the better behoof of the farmer, set forth a book, in 1636 intituled, 'Articles to be inquired of within the diocese of Norwich, in the first visitation of Matthew lord bishop of Norwich,' consisting of 139 Articles, and wherein are contained the number of 897 questions, according to all which the churchwardens were enforced to present, upon pain of perjury and some church-wardens and others not making presentments accordingly, were cited, molested and [illegible]led, as I enjoined [illegible]; no visitation [illegible] of the said [illegible] lewd and ridiculous [illegible].—XXIII. That [illegible] hath awarded and other men sworn [illegible] that a writ enforced to have their presentments written [illegible] clerks specially appointed by such as [illegible] the said visitation; to whom the [illegible] unto one for the same, [illegible], and more, [illegible], and [illegible] the said [illegible] government, to the great oppression of the [illegible] poor subjects in that diocese.—XXIV. Whereas, by the laws of this realm, no tithes ought to be paid out of the rents of houses, nor is there any custom or usage in the city of Norwich for such payment; yet the said bishop endeavoured to draw the citizens, and other inhabitants within the said city, against their wills and consents, to pay 2 shillings in the pound, in lieu of the tythes of houses within the several parishes of the said city, unto the ministers there of the said respective parishes. And, the better to effect this his unjust resolution, he did, by [illegible] and undue suggestions, in the 14th year of his majesty's reign that now is, procure his majesty to declare, under his great seal of England, his royal pleasure, That if any person, within the said city, shall refuse to pay according to the said rate of 2 shillings in the pound, into the minister of any parish within the said city, that the same be heard in the court of Chancery, or in the consistory of the bishop of Norwich; and that, in such case, no prohibitions against the [illegible] of Norwich, their chancellor [illegible] said courts of [illegible] and any such writ be [illegible], the [illegible] granting [illegible] the [illegible] said [illegible] solution until [illegible] the case, with his reasons [illegible] and circumstances, which said order and [illegible] under the great seal of England, tending [illegible] the [illegible] of the [illegible] and [illegible] by the said [illegible], [illegible] council and [illegible] his majesty's royal [illegible] by colour of the [illegible] and other proceedings of the said [illegible] inhabitants of Norwich [illegible] forced to [illegible] of justice, and [illegible] mean, be [illegible] expences, contrary [illegible].—XXV. That he assumed [illegible] arbitrary power, to compel the respective parishioners in the said diocese, to pay [illegible] wages to [illegible] officers, that if any [illegible] say the wages, they should certify their names, and he would set him [illegible] commission-court for example in the rest, and that one or two, out of Ipswich, might be taken for that purpose.—And he and commons, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any other accusation or impeachment against the said Matthew Wren, [illegible]

[illegible] Norwich, and now bishop of Ely, [illegible] thing to the Answer that he [illegible] the said Articles, or any of [illegible] proof of the premises, or any [illegible] ments or accusations that shall [illegible] as the case shall, according [illegible] course of parliaments require, [illegible] be ready to answer the said [illegible] misdemeanors, and to receive [illegible] to us the same still [illegible] such further proceeding [illegible] of them, had [illegible] be to law and justice.

After [illegible] the commons resolved [illegible] William Wren, bishop of Ely, [illegible] and unworthy to hold [illegible] and promotion or office [illegible] and that the [illegible] house [illegible] to move the said bishop [illegible] and service. Upon this,

Sir *Paul* [illegible] the shire for Suffolk, [illegible] as follows* — 'Mr Speaker, [illegible] upon my own particular behalf, but [illegible] and general name of the whole [illegible] Mr Speaker, they depend [illegible] our exemplary justice, which, if we [illegible] duly execute, will not only give great [illegible] satisfaction to our nation, but will likewise cause the Lord to smile hereafter with the full beams of prosperous felicity. But if [illegible] error or smallest deliberation [illegible] us, (Oh! it strikes my trembling [illegible] to think on it) how will all the [illegible] of them [illegible] into ruin must [illegible] us! but I speak not this, as if any [illegible] or extenuate, the supremacy of [illegible] the least thought. To admonish [illegible] were to bid the moon keep her [illegible] course, the spheres to restrain themselves [illegible] concentrence, or the sun to shine [illegible] earth. But I speak this only in [illegible] suspicion, lest we should at any time languish [illegible] heaven-proceeding journey. The cries [illegible] people have come up to me. The voice [illegible] whole nation tingles in my ears [illegible] I hear each subject wish, that we would [illegible] establish the church-government with all expedition. Let us first begin [illegible] religion, and God will bless our other [illegible] the better. That was always my opinion, and, I am sure, the expectation of the whole kingdom. How long have we sat here, and how little have we effected? How much time have we consumed, and what little [illegible] therein? How long have we laboured in this our daily travel, and as yet have brought forth but an embryo in what we did intend? 'Tis true, I confess, we have tormented ourselves with many troubles and vexations, and have been very solicitous for the welfare of the commonwealth, but what have we performed, what have we perfected? I will once more relate what my former opinion was — let us say, begun it, the real establishment of our religion; and, as I said, all our other determinations will succeed with a better omen; for indeed most of our delinquents are linked to this chain, they depend most on this point; therefore we should all with all speed enter speedily upon the work. — Mr Speaker, excuse my zeal in this case; for my mind cannot imprison what my mind intends to do, neither can my tongue conceal that which my heart desires to promulge. Behold the [illegible] bishop, that great incendiary of this kingdom, has now like a fire-brand raised up the embers; but if ever he chance to blaze again, I am afraid that what heretofore he did but in a spark, he will burn down to the ground in a full flame. Wherefore, let us begin, for the kingdom is pregnant with expectation in this point. I confess there are many more delinquents, for the judges and other [illegible] is rank in querpo; but they are only thunderbolts forged in Canterbury's fire. I look upon them all but as polluted rivers, flowing from that corrupt fountain. Well, is it so then, that all depend on religion? Why then we then so backward in reforming the church? Why do we stick in this point, and not rather proceed in it with all expedition? For mutilated, according to the laws of this kingdom, as it hath the dignity of pre-eminence, so let us give it the priority in our determinations. — Mr Speaker, think with yourself, I pray, in what section the church is now; in what schism, in what confusion of distracted sectaries it is promiscuously shaken! behold the Papists will have their way, the Brownists will have their way, the Anabaptists their way, the Puritans, as some call them, their way, the Arminian Priests their way; and, in these various ways, they make such a labyrinth of religion, that few or none scarce can find out the right way. It behoveth us therefore, and is expedient, that we should add a period to these irregular ways, that the vulgar may no longer wander in these distracted paths. — Mr. Speaker, I have now unlonded my mind of her weary burthen, and I beseech you digest my words, with your serious consideration, in this respect of establishing the church government, in true, sincere, perfect, and unpolluted religion, which if we do perform, and fully effect, we shall do great honour to God, get credit to ourselves, and give great satisfaction to the whole kingdom. This is my opinion; this is my expectation; this is my prayer; and, lastly, this is my hope.'

About this time the house of commons made an Order to take away all scandalous pictures, crosses, and figures, within churches or without; and sir Robert Harley, knight of the shire for Herefordshire, was made the executioner of this order. Whitlocke adds, 'That this zealous knight, as he terms him, took down the crosses in Cheapside, Charing-Cross, and other [illegible] monuments very impartially.

* From the original edition, printed by G Mabb, in [illegible]

Impeachment of Sir of the Judges.] July 6. A conference was held between both houses, wherein the commons delivered in six several articles against sir John Brampston, lord chief justice of the King's-bench, sir Robert Berkley, one of the justices of that court, sir Francis Crawley, one of the judges of the court of Common Pleas, sir Humphrey Davenport, lord chief baron of the exchequer; sir Rd. Weston, and sir Tho. Trevor, barons of the said court, in relation to their behaviour in the affair of Ship-Money. Mr Pierpoint, Mr. Waller, Mr. Crew, Mr Hyde, lord Falkland, Mr. Newport, and Mr Grenville were appointed to carry up the respective charges of Impeachment to the lords, and to desire that the judges might be put to their Answers. All that is entered in the Lords Journals, besides mentioning their names, is an abstract of Mr Hollis's concluding speech, after the separate impeachments had been spoken to by the other managers. The purport of which was, after some remarks on the misconduct of the before-mentioned judges, a recommendation of sir Randolph Crew to his majesty's favour, who, by chusing rather to lose his office of chief justice of England, than subscribe to the Loan, like Carab, had distinguished himself as an assertor of the laws, as the others, in the case of Ship-Money, had appeared dependants and creatures of them. But the Articles of Impeachment against these Judges we shall take no further notice, since their case related at large, not only in Rushworth and Nalson, but also in the State Trials, and most of the Historians of these times.

Resolutions as to Breaches of Privilege, &c.] This day the house of commons acted upon the matter of their privileges, in the case of Mr Hollis and others, the Earl, and upon debate, came to the following Resolutions: 1 "That the Warrants of the Lords, and others of the privy council, compelling Mr Hollis and others to appear before them during the parliament; that the commitment of Mr Hollis and others, by the lords and others of the privy council 4to Caroli, during that parliament; that the searching and scaling of the chambers, studies, and papers of Mr Hollis, Mr Selden, and sir John Elliot, being members of parliament, and issuing out warrants for that purpose; and that the exhibiting informations, in the court of Star-Chamber, against Mr. Hollis and others, for matters done by them in parliament, being members of parliament, are breaches of privilege. 2 That sir Rob Heath, sir Humphrey Davenport, sir Heneage Finch, Mr. Hudson, and sir Rich Berkley, that subscribed the said informations, are guilty of a breach of privilege. 3 That there was a delay of justice towards Mr. Hollis and others upon the Habeas Corpora, in that they were not bailed in Easter and Trinity term, 5to Caroli. 4. That sir Nicholas Hyde, then lord chief justice of the court of King's-bench; and sir Wm. Jones, one of the justices of the said court, were guilty of this delay: but that sir James Whitlocke was not guilty thereof."

Debate on the King's Manifesto concerning the Palatinate.] July 7. The commons entered into a debate concerning the King's Manifesto about the Palatinate; and resolved into a Committee of the Whole House, and Mr Whitlocke in the chair.

Sir Benj. Rudyard made the following speech:—"Mr Whitlock, If we may do the Prince Elector good, by our good word, I hope we shall not stick to afford it him. A two days reckoning in due season is worth more than gold and silver at another time. His majesty's ambassadors is now at the diet at Ratisbon where the emperor and other princes are, by friendly treaties, endeavouring to make up the breaches in Germany. If this opportunity be omitted, his highness's affairs will be exceedingly cast behind-hand. It is true, that our treaties heretofore have not been prosperous; the reason hath been, because of the then unhappy difference between the king and his people, which brought a disvalue upon this kingdom abroad. But now, when the world shall take notice of the good understanding between his majesty and his subjects, by an earnest and solemn pursuit of the ideal parliament with his majesty's declaration; the propositions, coming from us, will carry with them more weight, more authority, which is the way to redeem our engagements at any rate, and save the great charges which some do fear. Time should be backward in us, as a work, we will cancel the obligations of nature, honour, of reason, of state, of religion, all which bind us to it. Wherefore, my humble motion is, That we may draw up a humble and Manifesto to wait upon the Declaration, to be sent through the hands of parliament this present session of parliament, more powerful and effectual for the Prince Elector."

Sir Sydney Dyves, member for Sudbury, made a speech upon this same occasion as follows; which is a faithful Instructor in the affairs of Europe for these eight years, deserves particular notice:—"Mr Whitlock, We have, during this parliament, fallen upon the debate of the greatest and most important affairs, concerning our own good and welfare at home, that ever were agitated and discussed, at one meeting, in the house of commons. And we are at this present, by the gracious invitation of his royal majesty, expressed in his most just Manifesto now sent to us, resolved to take into our consideration the most difficult business of the Christian world abroad;

See an account of this dissertation as to the judges, in Whitlocke's Memorials, p. 37, and the proceedings thereupon in the present volume, p. 530.

† From the original edition, printed by Francis Constable, 1641.

‡ From the original edition, printed by W. Cooke, 1641.

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which hath, for the space of above 20 years last past, drawn all the kingdoms and states of Europe into an immediate or mediate engagement, in which there have been 20 pitched battles fought, a million of men, women, and children destroyed by the sword, by the flames, by famine, and by pestilence, and that sometimes populous and fertile empire of Germany reduced to the most extreme misery and lamentable desolation. I have, in less than few spare hours I could borrow to steal as from the public service of the house, recollected some few particulars, which may contribute to the clearing of this great cause being drawn out of the autographs of their lives, or out of our records at home, or out of the writings of our very adversaries, and others abroad. I shall, therefore, begin at the original branch of the quarrel enough to be known or less of the present Palatine's alterations and electoral dignity that we can take them with us, as matters intended disputes, but with our intentions, not our consciences. It is the more very manifest to all, if not to but mention raised in the cabinet affairs of Christendom, that the Jesuits have consult for many years last past, as well before as since the furious wars of Germany, by what means to ruin the evangelical princes and party there. Then did it not been, so to divide the protestant princes amongst themselves, as they might be made rod of against each other, for each others ruin — The first course in that offered it. It was in our memories, was the pretences of several competitors to the dukedoms of Cleves and Juliers, and they indeed, but a very little to have executed their intended design in that occasion: but their hopes being vain, they apply themselves immediately to the house of Austria, duke of Gratz a prince, not long since, so poor, and of so mean consideration to add the weight of but one grain to the down bringing of the affairs of Christendom, as I am not sure he had it. This find him a fit object for them to work upon, having, from his cradle, been bred up in an extreme hatred of the Protestant party who professed the truth. They tempted him into the ears of the old emperor Matthias, but his cousin Ferdinand's high merits, so he, passing by his own natural brother, and the head of his house the Spanish king, adopts Ferdinand of Gratz for his son so to prepare a way to make him his successor in the empire, crown and purple — Then were the hereditary lets of the empire, the great men in accurate differences and present jealousies, as it was dissolved inwardly as called instruments. Rumours were spread of practices and designs against the Protestant princes and cities and that the rumours might not vanish in smoke the liberties of the great and imperial city of Strasburg were oppressed. The Protestant princes, seeing materials and engines on every side prepared for their ruin, were accessed to meet at Heidelberg, and there to conclude an union among themselves. This gave the Jesuits an assured hope of making Germany speedily miserable by a calamitous war, not only the pontifician princes took the opportunity to settle a Catholic League, as they called it, amongst themselves; but also the elector of Saxony, like a true Pseudo-Lutheran other Protestant not Papist, shews as an averseness to join the league as to the Protestant union — The emperor Matthias [illegible] his part, and the Jesuits [illegible] and Gratz [illegible] the Hungarians they had so long [illegible] through the old Emperor's [illegible] showing the Bohemian Protestants [illegible] and liberties, he is admitted to the crown of that kingdom, which soon after made way for him to the crown of Hungary also. — The Jesuits and the Spaniards did, now, only want a pretence to begin a war in Germany. The emperor Matthias labours with the Protestant princes to dissolve their union; which not having effect, the bishop of Spires is encouraged underhand, to pick a quarrel with the prince elector Palatine, and to build a strong fortress upon his neighbour's territories, pretending he had a right to that plot of ground upon which the said fortress was raised. But as he perceived did not suffer this spark to set any money on fire, though it had been kindled at the prince elector's own doors, to affront and provoke him, for he, by an incredible [illegible] did raise the said fortress to be demolished before the enemy could fit and furnish [illegible] his intended use, which made him sit still and study for a new occasion and, that it ought not be long wanting, the [illegible] and revival of the Protestants in Bohemia, contrary to the new king Ferdinand's oath, were thereupon and, by that means, in the year 161[illegible], the [illegible] of the [illegible] of that kingdom were necessitated, to [illegible] and take [illegible] elect [illegible] Palatine [illegible] and [illegible] [illegible] [illegible]

build not, under colour of their father's accepting that crown, to which they now pretend no title, be for ever despoiled of their antient inheritance and electoral dignity, to which calamity they had never been reduced, had not the French king, at that time, forgotten the old maxim of his predecessors, which was, 'To keep even the balance of Germany,' to which also did most fatally concur the duke of Bavaria's ambition, betraying his own blood, and the duke of Saxony' taking arms against the evangelical party. By this means, and in advancing of Spinola with the Spanish army out of the Netherlands, not only the kingdom of Bohemia was lost to a few months, but the Palatinate also, excepting some few places of strength, invested by the enemy, and their poor people left to slaughter, calamity and desolation. The correspondence of some ill ministers of this state abroad with those of foreign states here, assisted by some fatal instruments at home, furthered all this mischief, in the instant putting this state in hope of a Match, when supplies should rather have been sent from hence, to have preserved at least the electoral territories from an invading power. It is true that the Spanish Match had been, generally, treated of some 5 or 6 years before this fatal fire kindled in Germany, but first set on foot by the duke of Lerma, under Philip of Austria, late king of Spain; but now it was more advanced, and fortified with a concluded Treaty of accommodating the Prince his cause, without effusion of blood. This and much more appears in the original Journal Books of the two houses of parliament, and in Jacob Regis, which I have taken pains to search; and in short a time would give leave to weigh these matters are there set down at large, especially in the records out of the house of peers; yet I have abstracted them into as narrow a compass, as may well sit with the brevity of this house to hear it. The result was first made at Whitehall during the parliament, in the presence of the greater part of both the said houses, 1 Jac. 15.* It was afterwards reported upon the 17th in the house of lords, by the then lord keeper; and, in the house of commons, by sir Rd Weston, at that time chancellor of the exchequer. It is there at large set forth, That his majesty's royal father, having had several fair promises from the emperor Ferdinand II. and the king of Spain, of a reasonable restitution of the Palatinate, and not only such considerable forces remaining in Germany under the prince Elector's cousins, to disband, but procured also some places of strength in the Palatinate to be surrendered and consigned to the Infanta of Spain. But in 1622 the late sovereign king James, upon his ambassador's return from Brussels, having discovered the emperor's intentions to be full of insincerity and deceit, wrote his princely letter bearing date at Hampton-Court, Oct. 29, 1622, to the (then and still) earl of Bristol; his majesty's extraordinary ambassador in Spain, to let him know, That he now perceived little sincerity in all the Spanish king's promises for the peaceable restitution of the Palatinate, by whose only means he had suffered the same to be lost to the Emperor, and that therefore he should presently procure him, either to give a full and direct answer, under his hand and seal, for the restitution thereof, or else to join his arms with his adjust against the emperor, for the recovery thereof. But this matter, as it is there at large in the original Journal Books of the house of lords, being either not thoroughly pressed, or suitably dissembled, so that did not succeed as upon the like occasion, when the king of Sweden, his royal son-in-law, then undertook that dangerous and remote Journey into that nation which hath been the long and bare arms for the restitution of England. This Journey was likewise undertaken by prince Henry, to the same end and way of treating, to that unfortunate Event, and his stay in Spain did wholly proceed from his earnest desire to have effected a peaceable restitution of the Palatinate; and the electors I doubt not but he shall find Letters of that excellent mind in one Cypher, in which he made to the Conde d'Olivares, which letter his coming out of that Kingdom, I but for neither marriage nor Treaty upon the Restitution of the Palatinate. And I desire it may, that the force of the prince of Great Britain, which was lately, by subtle and wicked instruments, divided against itself, being now united in our hearts, and by the blessing of God conducted to a glorious end, for the honour of his majesty's name and reign, be cause to all posterity. The two houses of parliament, at that time, received the Declaration with so much resentment of it, and gave God thanks that had so much discovered the Spanish practices, and gave humble acknowledgments to their most gracious Sovereign, for requiring their counsels in a business of so great moment. They did unanimously advise him to break the said two Treaties, and, for the Palatinate, still insist upon the restitution of the Palatinate; engaging themselves as far as the persons and purses for the Recovery of the then prince elector's rights and hereditary dominions.* —It is also in the original Journal Book of the house, Anno 1. Caroli, that the great business was again taken into consideration, but was finally intombed with other matters of great moment, by the fatal and abortive dissolution of that parliament. If therefore this council of the kingdom did, in the two former parliaments, so much resent the restitution of this illustrious and princely family, to such great necessary for the preserving of true religion abroad, and securing ourselves at home, as to [illegible] thereon;

* See vol. 1 p. 1282.

the Address of both Houses, on this subject, in vol. 1. p. 1604.

certainly we may upon much better grounds, undertake the same now, when I assure myself we may go as far with 1000*l.* for the present, as we could have done with 10,000 at that time; for let us but take a short view of the estate of Christendom, what it was then, and what it is now, and we shall easily perceive a great alteration in the balance thereof.—In France, where M. de Luynes did then rule all, being himself acted by the Pope's legate, that king, contrary to the examples of Francis I. Henry II. and of Henry the Great, his own father, and contrary to the maxims and interests of that state, and his own safety, advanced the formidable power and spreading greatness of the house of Austria; but now the French king's eyes have been so opened, that, shaking off that former unhappy slumber he was in, he hath, by his arms and power, to his immortal honour and glory, for divers years last past, endeavoured to restore again that liberty to the German empire, in the ruin of which himself had so fatally before concurred.—The Swedes were then involved in several wars, or jealousies, with the Poles, and inforced to keep at home to defend their own, but now have a strong army, and possess divers places of important consequence within the very bowels of the empire. The episcopal electors, with the other Pontifician princes and prelates, the sworn enemies of the Protestant religion, were then rich and potent, but, since, most of their countries and territories have tasted of the same calamities of war, which they had formerly brought upon their neighbours, so that now they are, most of them, scarce able to defend their own, much less to offend any other. The Pseudo-Lutheran elector of Saxony, (that is actually guilty, more than any other single person living, of all those calamities and slaughters, which have for so many years wasted Germany; and was then so liberal of his treasure, and so forward with his arms to facilitate the emperor's designs, to the almost utter subversion of the true religion in Germany) is now, after the reiterated tormentation of his faith and promises, the fatal survivor of the several devastations of his own country and dominions, so that all those vast difficulties and great dangers, which might well have retarded the forwardness of those two former parliaments, the first being held in the 21st year of his majesty's royal father, and the latter in his own first year, being now removed, we have greater encouragements than ever, to concur with our sacred sovereign, in asserting this his most just and princely Manifesto.

For my own part, I expect no good issue of the present Treaty at Ratisbon. I know the duke of Bavaria's ambition too well, ever to imagine he will part with those large revenues, and much less with the Septem-viral dignity and suffrage he hath obtained by the prince elector's calamity and misfortune, unless it be extorted from him by force of arms.—My humble advice therefore is, That we send up to the lords to desire a speedy conference with them: in which we may acquaint their lordships how far we have proceeded in our application of his majesty's most royal Manifesto, and to move them to concur with us therein.

After long debate the commons came to the Resolution, "That this house doth approve of his majesty's pious intention, in behalf of his royal sister the queen of Bohemia, and his nephew the prince elector Palatine, and the rest of the princes of that family; and of his publishing his Manifesto to that purpose: and this house will be ready to give his majesty such advice and assistance therein by parliament, as shall stand with his honour, and the interest and affection of this kingdom, if the present treaty shall not succeed."

Further Resolutions as to Breaches of Privilege, &c.] July 8. The commons resumed the debate about Mr. Hollis, and others, imprisoned and fined, 4to Caroli, and came to the following Resolutions: 1. That sir George Crooke, one of the justices of the King's-bench, was not guilty of the delay in granting the Hab eas Corpus to Mr. Hollis, &c. 2. That the continuance of Mr Hollis, &c. 4to Caroli, in prison, by the then judges of the King's-bench, for not putting in sureties for the good behaviour, was without just or legal cause. 3. That the exhibiting the Information —— t Mr. Hollis, &c. in the King's-bench, being members of parliament, and for matters done in parliament, was a breach of privilege of parliament. 4. That the over-ruling of the pleas, pleaded by Mr. Hollis, &c. upon that information, to the jurisdiction of the court, was against the law and privilege of parliament.—5. That the judgment given upon *nihil dicit*, against Mr. Hollis, &c. and the fines thereupon imposed, and their several imprisonments thereupon, was against the law and the privileges of parliament. 6. That the proceedings against Mr. Hollis, &c. by committing them, and prosecuting them in the Star-chamber and King's-bench, is a grievance. 7. That Mr. Hollis, Mr. Strode, Mr. Valentine, Mr. Long, and the heirs and executors of sir John F—— sir Miles Hubart, and sir Peter Hayman, respectively, ought to have reparation for their respective damages and sufferings, against the lords and others of the council, by whose warrants they were apprehended and committed against the council that put their hands to the information in the Star-chamber; and against the judges of the King's-bench. 8. That Mr. Laurence Whittaker, being a member of parliament, 4to Caroli, and entering into the chamber of sir John Elliot, being likewise a member of that parliament, searching of his trunk and papers, and seizing of them, is guilty of a breach of privilege of parliament, the same being done before the dissolution of the parliament. 9. That Mr. L. Whittaker, being guilty of the breach of privilege of parliament aforesaid, shall be sent forthwith to the Tower there to remain a prisoner during the pleasure of this house." Whereupon Mr. Whittaker being called down, and kneeling at the

...ker pronounced this sentence against ...n. Mr Whittaker then desired permission ...the house to speak for himself, which being granted, he did not deny the matter of fact, ...t did endeavour to attenuate it by the con... ...n of the times, at that time, the length of ...ime since the crime was committed, being 18 years, the command that lay upon him, being commanded by the king and 23 pri... counsellors. But all this availed him nothing, for he was immediately sent to the Tower.

Ist Common resolve to vest the Lands, &c. of the Bishops, &c in Trustees.] July 9 This day Mr Hyde made a report from the grand committee, to whom the bill concerning Episcopacy was referred; when the following Resolutions were agreed to by the house. 1. "That all the lands, possessions, and rights of all deans, and deans and chapters, shall, by this bill, be committed to the hands of trustees, to be nominated in the bill. 2. That all the lands and possessions of all the archbishopricks and bishopricks of England and Wales, except the impropriations and advowsons, shall, by this act, be given to the king. ... That all the impropriations and advowsons belonging to the aforesaid bishopricks, shall be committed into the hands of trustees, in the same manner as the lands of deans and chapters are appointed to be."

The next day the debate was resumed, and on the report, from the same chairman, it was resolved, "That a competent maintenance shall be allotted out of the lands and possessions of the cathedral churches, for the support of a fit number of preaching ministers, for the service of every such church; and a proportionable allowance for the reparation of the said churches. Also, that such ecclesiastical powers, as shall be exercised for the government of the church, shall be transferred, this act, into the hands of commissioners to be named in the act."

Mr Hollis's Speech, at a Conference concerning the Palatine Family.] July 10 The house is to be desired to interpose, with a committee of the Lords, concerning the Manifesto from the king, relating to the Palatine family, the report of which was made, in the upper house, by the lord privy seal, this day, who told them, that Mr Hollis in the conference in an elegant expression and true... ment of the case of distressed princes, had acquainted them with the principal heads thereof.

Mr Hollis spoke as follows: "My lords, The knights, citizens, and burgesses of the house of commons, have commanded me to ... ...r lordships know, that they have taken ... their serious consideration, his majesty's ... posal unto them of the Manifesto, in which ... is graciously pleased to declare his pious intentions concerning his royal ... the prince Palatine her son, and the rest of the Electoral family. They do, with all humbleness, acknowledge his majesty's favour, in communicating unto them any part of his royal thoughts, and asking their advice and counsel, in a business that doth so nearly concern ... ... it deeds must the happiness, nay the subsistence, of these distressed princes of so great a ... an extinction, their veins being enriched with the same blood of royal ancestors, which is derived, with glory, into his sacred person. And, in that relation, the house of commons ... kindom them with an eye of tenderness; ... that every drop of that princely blood may ever be illustrated with honour and happiness, that his majesty may be crowned with the blessing, to ... not only glory to himself, and ... that bow unto him.—To hear them, that these princes, so nearly allied unto the king, should suffer that which is so unworthy of them, instead of honour, of greatness, to find oppression, instead of fortune answerable to their birth and relation, to have their antient patrimony torn from them, and detained by a hand of violence; is a thing which makes our ears to tingle, and our hearts to rise within us.—My lords, the loyal subject of England is so well tuned in a sweet agreeing harmony to the person of his prince, that he is affected with the least touch upon any part of the princely string, and answers it instantly with a sound proportionable, if it be good and pleasant, with joy and exultation; if harsh and displeasant, with sorrow and lamentation, a sorrow not wanting zeal and ... but ... impaired with indignation, with vigorous, magnanimous resolution to be revenged upon whosoever dare give offence to our royal sovereign. This then is enough to make us zealous for the royal estate of Prince Charles's issue, and to desire, with ... ... to see him restored to his rightful possessions, were there nothing else to move us to it, but our love, our affection, and our ... to the king.—But, my lords, there is yet another motive, which ... ... operation with this, and it is the consideration, how much this is of importance to the good of Religion, the advancement of the Protestant party, and the recovering many souls from the ... Antichristian bondage. This hath a ... ... and relates to us, not only as we ... fellow-members with them of the true church, but engages us to a care and defence of them, and gives us an assurance of a reward in heaven. In this one particular we serve ... ... of piety and reason of state, by supporting our allies, and ... the English in the highest pitch of greatness and reputation, to make us formidable abroad to the enemies of our christian faith, and to enjoy peace, ... and trade at home. For, my lords, the ... ... kingdom are like Hippocrates's twins, that must both live and die together. It is madness to think it ... ...

destroyed and enchained out of our neighbour countries; which can no more be, (that is, our religion and this kingdom be preserved) when our neighbours of the same religion and belief with us be consumed, than a fort can hold out, when all the out-works are taken, or the heart preserved, when a gangrene hath seized on the outward parts of the body.—My lords, as the true religion is, in fact, the heart of England, which gives it life, and makes it flourish with strength and power, so is England, in politic respects, the heart of the Protestant religion in all the other parts of Christendom; and, upon occasion, must send out supply into all the neighbouring countries professing the same religion with it; which (to be themselves in safety) must be under the protection of this fort, under contribution to this garrison. And, on the other side, if these countries be, one after another, invaded and possessed by the enemies of our religion, that great tie of religion between us and those bonds, which only can unite and strengthen our mutual affections and relations, will be dissolved, and if they get one part, their appetite will increase soon to swallow up another; as, first the Palatinate, then the other parts of Germany; afterwards the Low Countries, and then last us think in what condition England will stand. It will be left as a cottage in a vineyard; as a lodge in a garden of cucumbars; as a besieged city, when all the defences are gone it will soon fall to be a prey to the enemy.—My lords, this consideration likewise works with the commons of England; and as the wise man is to have his eyes in his head, and look before him; so they do look before them, and had rather see this evil met half-way, than stay till it comes to them, rather see the eating gangrene of the Austrian ambition in Germany, than tarry till it seizes upon the vital parts of this Island, when the death of religion must inevitably follow. This business took up a serious debate; and, after much time and many arguments spent upon the subject, the knights, citizens, and burgesses assembled in parliament, came to a resolution.' (Here the Resolution of the 7th of July was read, and then Mr Hollis proceeded thus:) This Resolution, my lords, they have commanded me to represent unto your lordships, and desire you will join with them in a tender of the like advice unto his majesty and approbation of his royal intendments; and likewise, that his majesty may be moved, in the name of both houses, to recommend this business unto his parliament of Scotland, to have the consent and furtherance of that kingdom, that, as we are brethren in mutual affection, in an equal tie of duty and allegiance unto the king our sovereign; so we may be brethren also in the same tender care, and living zeal for the good and support of his majesty's kindred, their restitution to their antient inheritance, and the safety of the Reformed Churches.'

July 11. The lords, by a general vote of their house, concurred with the commons; and likewise ordered a committee to attend the king, to know when he would be waited on, by both houses, on this occasion.

Report of a Conference concerning the Ten Propositions.] July 12. Several debates had happened in the house of lords, concerning the Ten Propositions sent up some time ago, from the commons; and all of them had been agreed to, except that to which the queen, her domestics and chaplains were concerned. This day, the earl of Bristol reported the effect of a conference with the commons on this subject; in which it was argued by them, first, That the college of Capuchins, at Denmark-House, should be sent out of the kingdom, because they are conceived to be busy men in giving intelligence to foreign states: and the house of commons are induced to believe this, because they understand that the letters of the Capuchins, which were imported and exported in one week, came to 3*l* 10*s*. the carriage. Next, they conceive, that there are some things contained in the Articles of Marriage with France, contrary to law. Concerning the education of the prince, they said they would consult further about it. As to licences granted to Recusants, they desire his majesty may be moved that none may be granted hereafter. Concerning the removal of Popish Recusant ladies from court, they say they mentioned no particulars, but spoke in general. Touching that which concerns the queen, they conceive they have had no full answer yet. As to an explanation of who are active Papists, they mean those Recusants who are rich and have most power in the counties where they live, as well peers as others; whom they desire may be disarmed according to law. Touching the Pope's Nuncio, the house of commons are preparing a bill against him. As to what concerns lord lieutenants and deputy lieutenants, considering the state of this kingdom, as it now stands, the commons desire they may be such persons as both houses approve of; and, that they may be the more enabled to act for the defence of this kingdom, there will be a course taken for the supplying them with monies out of the subsidies. And the commons desire that the king may be moved to let them have such quantities of powder out of his stores as may be spared, and they will pay after the rate of 10*d* a pound for it, as soon as they can get money. And further, to move his majesty, That the arms which have been taken out of the several counties, may be restored to them; and, if the king can spare any arms, out of his stores, they will buy them to furnish these southern parts.'

The Bill for Tonnage, &c. passed.] This day Mr. Hampden carried up to the lords another bill for granting to his majesty a subsidy of Tonnage and Poundage, and other sums of money payable upon merchandizes imported and exported; which was read 3 times in that day, and, being put to the question, was accordingly passed into a law.

Address of both Houses for the Removal of Lord Finch.] A committee of lords and commons was appointed to present to his majesty the following address, which they desired might be presented to him by the whole house of lords, and that all the members of the house of commons might attend him with their address on the Manifesto, the king accordingly appointed that afternoon for the purpose. Accordingly the lords and commons went up to the banqueting room at Whitehall, when the Speaker of the house of lords delivered himself to the king in the words following: "Your most humble and loyal subjects, the lords and commons now assembled in parliament, have taken into their serious consideration your majesty's answer to their declaration concerning the tumults and disorders about Westminster, and your majesty's command to them to read and consider the declaration of both houses of parliament,

fore, a ... to consider about the ... Speech to ... by the lord ... of attainder against the ... the earl ... and ... port of ... was resolved ... and ... as also ... speech, ... publishing there ... printed, ... declares ... which they made ... on the ... spoken, ... the house ... commons ... to prosecute the bill of attainder against Thomas earl of Strafford, by the lord Digby, then a member of the said house, the which speech contained in it matters untrue and scandalous, as they have reference to the proceedings of the committees of both houses, and to the evidence of the witnesses produced in that cause: and whereas the said speech was published by the lord Digby, after the bill of attainder was passed by vote in this house, and after great offence had been taken to the speech, and the same questioned in the house; to the scandal of the proceedings of this house, and to those of his majesty and both houses of parliament: it was therefore ordered, that the said books should be publickly burnt, part of them in the New Palace-Yard, Westminster, others in Cheapside, London, and the rest in Smithfield, by the hands of the common hangman. And the sheriffs of London and Middlesex were to take care to see this order executed."

Then it was further resolved, "That this house shall move the lords to join in a petition to his majesty, that he will be pleased to bestow the other ... honour or employment upon the person of the lord Digby, who has deserved so ill of the parliament."*

*In lord Digby's Apology (printed in January, 1641, by Thomas Walkley) he gives the following account of the printing and publishing this speech: "I did not (as I only think it was unfaithfully reported, and uncharitably interpreted, but was informed, that copies went abroad of it so subtly and maliciously collected, as made the whole speech a justification of my lord of Strafford's innocence; and sir Lewis Dives having heard of such a copy in the house of a citizen of good quality, where he heard me mentioned as a person fit to have his name hired upon posts, that I might be torn in pieces by the people, upon that reason earnestly desired me to give him a true copy of what I had said in that argument, which I did, and he forthwith got a direction for the printing it, without any privity of mine; yet, if I had consented to it, and directed it, I profess I should little have imagined, that (at a time when there was such an universal licence taken to print every thing, of how great irreverence soever, either to church or state, with impunity) a speech made to the house of commons, a speech so narrowly and severely sifted and examined there, and yet for ... *Petition of the Queen ... going abroad* [884

Petition of the King against the Queen's going abroad. This day 14 A message was brought from ... with desire to have a conference ... by committees of both houses, concerning the Queen's intended journey to the Spa in Germany. This conference being held, there arose a petition from both houses, which was presented to the king the day following, and was to this purpose:

"Your majesty's most loyal subjects, the lords and commons taking notice of an intention of the queen shortly to pass beyond the sea, whereby the kingdom will be deprived for the most part of her majesty's presence, have thought good to express their humble duties and affection to your majesty, and to the royal person of the queen, in some considerations which they do now present unto you, as they conceive very important to the good of this kingdom, and the safety and contentment of her majesty; whose honour and happiness shall always have a chief place in their estimation and desires which considerations are these following. 1. There is great cause to doubt lest the papists have some design upon her majesty's journey, because the house hath been informed that divers of them have sold off their lands to a good value, and used other means to get ready money. 2. It is observed that some of them have been very diligent in gathering great quantities of gold. 3. It is informed that more than an ordinary number of Papists are gone beyond sea already, and those of the better sort. 4. The great number of English fugitives now beyond the seas, who, by their late designs and practices, are known to be full of malice to the state, and will, no doubt, seek all opportunities of access to her majesty; and as much as they can, labour to infuse into her such evil counsels as may trouble the peace of the kingdom; whereof, at this time, there is more danger, because the affairs of the kingdom are not yet fully settled; and, upon disbanding the army, all parts are like to abound with soldiers, and such others as will be apt to be provoked in tumults, and seditions, especially in the time of the king's absence in Scotland. 5. That the house of com- ... without the least censure, either on the speech itself or the author (that the printing, I say, of such a speech should rise to so high a nature, as to make me for ever incapable of any honour or employment in the common-wealth), I profess could hardly have fallen within my person or fears to suspect: and yet 3 months after the fact committed; after the printing of an hundred speeches more by other men, after my having several times sued and pressed for a hearing, whilst I was of the house of commons; after, by his majesty's favour, I had sat 6 or 7 weeks a member of the house of peers; after all this so less a judgment, as far as the vote of the house of commons could contribute to it, passed upon me, unheard, over and above the shame of having the speech itself burnt by the hand of the hangman."

sons have received information of great quantities of treasure, in jewels, plate, and ready money, packed up, to be conveyed away with the queen; not only in such a proportion as the present occasions, with due respects to her majesty's honour, may seem to require, but in far greater quantity, and that divers particulars and chiefest pieces of her majesty's goods, are like to convey very great sums of money, and other treasure, hey, and the sea, which will not only impoverish the state, but may be employed to the fomenting some mischievous attempts, to the trouble of the public peace. 6. That, as it will be a great dishonour to the state, if her majesty should not be attended and furnished suitably to her quality; so it will be a very heavy burden, in this time of great necessity, and occasions of other public charges, if she shall be provided in so royal a manner as shall be fit for her majesty, and the honour of the king and kingdom. 7. That because we understand, by sir Theodore Mayerne, that the chief cause of her majesty's sickness and distempers proceed from some discontent of her mind, the house of commons have thought good to declare, That if any thing within the power of parliament may give her majesty contentment, they are so tender of her health, both in the respect to his most excellent majesty and herself, that they will be ready to further her satisfaction in all things, so far as may stand with that public [illegible] * to which they are obliged. 8. That the house of commons conceive it will be some dishonour to this nation, if her majesty should, at this unseasonable time, go out full of sorrow, and an grief of the present resolutions [illegible] to effect, they shall labour, by all good means, to make away and present all just mistrust of her majesty's trouble, in such manner as may further her content, and therein her health, which will be a very great comfort and ease, both to themselves and the resort of his majesty's liege subjects. All which humbly commend to your majesty's princely wisdom, beseeching your majesty, that, by your allowance they may represent their humble desires at this time, and with such members of both houses, as her majesty shall please to appoint."

The Queen's Answer.] July 10. Six lords and 12 commoners waited on the Queen, by her appointment, when the lord keeper delivered the desire of both houses to her majesty in much the same words as are contained in the latter part of their address to the king to which the queen returned the following Answer: "I give many thanks to both houses of parliament, for their great care of my health, and their affection to me, hoping I shall find the effect of it. Truly, nothing but my health would have made me to resolve of this journey; and, if I thought I could serve the king and this kingdom with the hazard of my life, I would do it. And I hope you will believe that I have so much interest in the good of this kingdom, that I shall never wish any thing to the prejudice of it. You will pardon the imperfectness of my English, I had rather spoken in any other language, but I thought this would be most acceptable."

Sir J. Bridgman's Speech, on delivering the Articles against the Bishop of Ely.] July 30. The commons sent up their Charge against Matthew Wren, bishop of Ely, by sir Thomas Widdrington, member for Berwick; whereupon presenting the same, made the following speech*: "My Lords; I am commanded by the knights, citizens, and burgesses now assembled for the commons in parliament, to deliver to your lordships these Articles against Matthew Wren, D.D. late bishop of Norwich, and now bishop of Ely; may it please your lordships to hear them read. [Here the Articles, given before at p. 881, were read.] My lords, these articles are exhibited against those doors in which this bishop entered himself into the diocese of Norwich, they need no gloss nor comment. In them you may behold the spirit and disposition of this bishop; hear the groans and cries of the people, as sheep scattering, like almost half devouring his own flock. He that was elected to root out Hercule, thought he had done enough, when he had made a resemblance of the lion's skin, which he was wont to carry about him as a trophy of his honour. I will not say, in these, that will find a resemblance of the lion's skin. I am sure you will find the semblance of the skins, that is to say, the tattered and rented fragments of poor innocent lambs, who have extremely suffered by the extortions of this bishop. In this, the man we call bishop of Norwich, this is no other than he who first put forth for public [illegible] in the creation of the world, light was one of the first productions. The first visible action of this bishop, after his creation into this see, was to put out the shining and shining lights, to extend divine, learned, and diligent ministers. He, that should have been the golden snuffer of these lights, became the extinguisher; and, when these are taken away, he shall poor men light their candles?—My lords, he did not only put out lights, and sets up firebrands to their places, suspends painful ministers, and sets up idle, factious and superstitious persons to use their own favourite inventions in their places: yet it is the fortune of these men, at this time, like moles in the ground, to be busied in the extreme activity of their diocesan. He made a scourge, not of small cords, but of new injunctions and numerous articles, tied about with a strong twist of a most dangerous oath; and with this he whips, not buyers and sellers, but the faithful dispensers of the word, out of their churches, out of their estates, out of their dear country. This Noah (if I may so call him without offence) as soon as he entered into the ark of this diocese,

* From the original edition, printed for L. Blackmore, 1641.

he sends, nay, forces doves to fly out of this ark, and when they return unto him with olive branches in their mouths of peaceable and humble submission, he will not receive them into this ark again, unless, like ravens, they would feed upon the carrion of his new inventions, they must not have the leasing here. He stands as a flaming sword, to keep such out of his diocese. My lords, unless he had done this, he could never have hoped to have brought that great work, he undoubtedly intended, to any perfection. Whilst the Palladium of Troy stood, that city was impregnable. The Greeks had no other stratagem that, but they instantly won the city so then he first put out the candles, then was the opportunity to shunt in his works of darkness: he first beats out the watchmen and seers, then was likely to follow that which is the impiety of some was placed at a stake, 'The piety of the times.' This being done, he then begins to dress out God's worship, according to his own fancy. This he expresseth in injunctions and directions, the Monsters of his own brain. We find them stated, 'Regales injunctiones domini episcopi,' a title too sacred to baptize his hunts withal! I shall be bold to call them 'Irregulares injunctiones domini episcopi.'—Stories afford not a more barbarous cruelty, than to join a dead and a living body together, the one is miserably killed with the stench of the other. This bishop, who, like Aaron, should have stood between the living and dead, hath joined to his lively ordinances many dead and venomous ceremonies, which have no other life than what they received from the breath of his injunctions, and these are pressed upon the consciences, even these must be observed, as moral laws. An arbitrary government in the church is more dangerous, more grievous than that in the state: this is exercised upon men's consciences, the most tender parts, and is the very pinnacle of tyranny, and of all others the most intolerable. That blow, which will chiefly be felt by the arm, will put out the eye. My lords, in the time of Richard II. one of this man's predecessors, a valiant bishop, went into the Holy War: This bishop hath raised a war at home in his own diocese; a war not against Saracens, Barbarians, Turks, or Infidels, but against good and well disposed people. I know not what style to give this war without doubt, my lords, this was no Holy War. The weapons used at this war were 23 Injunctions, 139 Articles, containing 879 Questions. The soldiers were chancellors, commissaries, officials, commissioners, rural deans, &c. Himself commanded in chief. The ways of assault and killing were by ex-communications, suspensions, deprivations.—I stop here. 'Mille modis morimur mortales.' The imagining, wherein all these were originally hatched and lodged, was the superstitious and malicious breast of this bishop. His diocese was the stage where the direful tragedies of this war were acted, by the space of two years and upwards. Lord and a terrible Tyranny in the time of peace; nay, by these, he put some of the chariots and horsemen of Israel to flight out of these he raiseth a farm of 500*l.* for his primary visitation. Is it be considered, how pertinents, it was not dear, yet well improved for it was but 40*l.* in the time of some of his predecessors. What it please you to consider with pregnancy, to cast your eyes up on the model of this bishop's zeal, piety, and religion: let his affection to Prayer and Preaching speak for all the rest. First, for Prayer: it is his hap to find a prayer, which is not my prayer, prescribed by a canon, which is no canon. I mean the 55th canon, set forth in 1603, and another prayer must be used in his diocese before sermon.—How monster of conceived prayer or pardon the expression, it is not mine own I seemed as hard to learn as a spell or charm. I must not be used upon my peril. Will it doubt he would never have been so stunt-laced and severe in this particular if he had not dreamed of some strait-laced preacher, a friend of his, was put out by this means. The story is short; A butcher was cured in the bells by an ox; the wound was cured, the party desired public thanks giving in the congregation: the minister, to join to that form to that form to read the collect for churched women. Next for Preaching. That he is most able in this kind is a record on by all: but that he ever preached himself in his diocese, saving once, I never heard attributed by any. His next care is that others should not preach too often, if they did, they must be put into his black bill. He changed that golden sentence of 'Vae mihi si non prædicavero,' into 'Vae mihi si prædicavero.' He was so far from the practice of St Paul, the great preacher of the Gentiles, who, we read, preached till midnight, that there must be no sermons in the afternoon; but there must be, my times must be, sports and pastimes then. And, as if he had found in some of the inscrutable language of Delphi which might stretch a sermon to the toll of a bell, he ordained churches, as the charge of others, and spoiled pulpits, which ought to have been the greatest part of his own charge.—My lords, you have now presented to your lordships' brother, my lord, whose place engaged him to be a father of the clergy, yet one who, like Joseph's brethren, hath taken the coats from Joseph, nay they were forced to fly from him as Joseph from his mistress, or else they must taste of his foul olden waters, but, in their going away, he rent their skirts, nay their whole garments and livelihood from them. He hath taken the lock from many Sampsons, and done what he could to put out their eyes and to make them grind in the mill of his pernicious and dangerous innovations. He should, like Moses, have led his flock. Moses led the children of Israel through the Red Sea; this man drives part of his flock over the sea, but went not himself. Like Nimrod, he hath united the laity and clergy of the subject: he

hath been as great a robber as ever was pre-
sented to your lordships: he hath robbed the
kingdom of all subjects, the greatest glory of kings;
a kingdom of trade, of its trade-men, the supporters of it. He that deprives the king of one
subject, you know his punishment, and what
shall be the punishment of him who hath robbed
the king of so many subjects?—In the 10th
of Henry 3 we find a tenant in dower punished
in such a manner, because she had destroyed
two of his tenants, and made them beggars. I
appeal to your lordships, what is his offence
who hath committed so much wilful waste
and spoil, to the ruin of hundreds, not what is the
fine for him? He robbed your subjects of
sweet flowers, which is Pulcrum Animal in
the Word of God.—My lords, I have not yet
gone through all his robberies: he has robbed
every part of his dominions of their beauty:
he hath robbed the crown of the ancient and
undoubted birthright, the law of the
kingdom. The citizens of London must pay
for their new buildings, there is no law
in England to justify it. London is the
and their money be spent to the robbing
of the country. This must be
answered for. I do not blame there must be
no buildings permitted: all those persons
who have erected tenements contrary to the
proclamation, and upon new foundations,
should have had the severest punishment
that the law could inflict upon them.
But you see what a city we have. I
am commanded from the gentlemen of the
four doors, in the behalf of the whole quar-
ter of the bar and liberty of Westminster, and
to set a brand of infamy upon the
upon London for the
to be compelled to such a thing by their super-
stition, and oppression of the
share of those buildings, which were the ruin
of the kingdom. The only Mo-
nument that was erected in memory of
was taken away by law. This city
spent, in the house of
Commons, in the house
of Lords, in the
by the
Myddle, I am commanded by the
house of commons to desire your lordships
that this Bishop may be required to make
Answers to these Articles, and that time
may be such proceedings against him as
the course and justice of parliament will
admit."

The Commons protest against the Irish Cessation.] A protest of the House of Commons against the Lord Ambassador's having made a cessation with the rebels in Ireland, without the consent of parliament.

A representation to the king of the Irish affairs referred to parliament. This brought on a conference between the two houses, at which time the commons presented to the said five Heads to be added to the answer formerly delivered, with a desire that their lordships would join with them to present the same to his majesty, viz. That the house of commons doth desire, 1. That no foreign ambassador whatsoever may shelter or harbour any Popish Priest or Jesuits, that are traitors to the king's dominions, under pretence of being their servants, or otherwise: 2. That care may be taken for raising several companies of foot for the having of them in Ireland, to the number of 14,000, as they are mustered, and all of them Papists, to be sent to the said kingdom, as it is conceived, to prosecute the rebels there to the end, and that the Protestants may not have such power, by commissions, as to raise grounds in them: 3. That no Papist, however, may have the keeping of any castle, fort, or place, [illegible] pale, or walk, within England or Wales, or the towns as are in possession may be put out, according to law: 4. That the king may be moved to let his house in London have such guard or watch as the [illegible] and they [illegible] a privilege for it, as upon the [illegible] to move the king that the arms, which have been taken from the said [illegible], may be restored to [illegible] by virtue of any arms [illegible]."

Lords taking into Protestants into consideration, referred, [illegible] house of commons, humbly to move his majesty, [illegible] the [illegible] arm. A [illegible] appointed [illegible] purse, [illegible] and [illegible].

The Queen's Message concerning her departure for Scotland.] July 1. This day the House received information from the Queen, concerning her journey into Scotland, which [illegible] the words:—"When the parliament had, the other day, expressed their desire to me, in taking into consideration the Journey which I had resolved on for the recovery of my health, and presented a desire of my stay here until it should be seen what success of my undertaking I could hope for, then given positive answer, such as I desired, for their satisfaction, because I knew not if my health would give way to it, but, since that time, I have found a return of my health, and, in complying with their desires, finding since my presence here will be unprofitable unto them, and that they conceive it will be for the good of the kingdom, for the recovery of my health, that I should, in [illegible] to the said journey, as I [illegible] with the hazard of my life."

In return for this message, the house of commons assured them that they had taken [illegible] into consideration the Queen's Journey. After which the house agreed, at a conference, to return thanks to his majesty, which was delivered by the earl of [illegible] in these words: "That the houses of

parliament have, with very much comfort and thankfulness, received that gracious message, whereby your majesty hath been pleased to declare your resolution of staying you intended journey, at their humble desire; which they hope will be no prejudice to the recovery of your health, but rather an advancement of it, by that contentment which you will receive from the continual expression of their affection and zeal to do you service. And they have commanded me, in their names, to declare, that both their prayers and endeavours shall concur in all things tending to your majesty's welfare and prosperity; which they shall esteem as a very great blessing, both to the kingdom and to themselves."

To which Address the Queen gave the following Answer:—"I am very glad that both houses of parliament have taken my resolution of staying my journey in so good part. They may see by it, I have preferred their content before my own health. I shall still continue to do all that lies in my power to serve the king, for the good of the kingdom, and to please them, as they have already seen."

A Conference on the King's Journey to Scotland.] The time of the king's going into Scotland approaching, the house of commons were apprehensive of an adjournment. On this subject a conference was held with the lords and this day the earl of Bristol reported to that house, to this purpose: "That, at this time, there being so many great and important causes depending in both houses of parliament wherein both houses were equally interested for the public good, and many emergent occasions may happen and be known to one house before the other, therefore the desire of the house of commons is, that each house may acquaint the other, by conference, before any recess be resolved on." The lords considered of this proposal, and, after some debate, it was ordered, "That this house shall not resolve of any recess, unless there be two days warning given, and then they would acquaint the house of commons with it."

Resolutions relating to the Army Plot.] July 26. The house of commons, this day, began to resume the affair of the Plot, so long neglected; and several Resolutions of this house were made against Henry Percy, esq. sir John Suckling, Mr Wm Davenant, Henry Jermyn, esq. commissary Henry Wilmot, colonel Wm. Ashburnham, sir John Berkeley, colonel Hugh Pollard, and Daniel O'Neal, esq.; who were voted to be concerned in a conspiracy, to disaffect the army towards the parliament, and to work a belief in the said army, that the king and parliament would disagree and so, under pretence of adhering to his party to increase the said army against the parliament, thereby the better to compass their wicked design; and further endeavoured to persuade the army, that all the French about London would assist them; and, to the great scandal of the king and his government, that the prince and the earl of Newcastle were to meet the said army at Nottingham, with 1000 horse, &c. But nothing further was done, than an order made to proceed in this another time.

The E. of Essex appointed Captain-General, South of Trent.] July 28. The lord keeper told the house of lords, "That his majesty had commanded him to acquaint them, that because he intended his Journey towards Scotland, on Monday, August 2; and in regard he hath heretofore left two commissions, the one directed to the lords of the privy council, for the ordering of the affairs of state, and the issuing out of proclamations on emergent occasions, the other authorizing a person of honour to be captain-general, for the levying of forces on this side Trent, if there should be any necessity, for the safety of the kingdom, his majesty now thinks fit to issue out the like commission for the said public services, in his absence, with some variations and omissions, according to the occasion; and hath named the earl of Essex, lord chamberlain, to be captain-general on this side Trent; but he majesty would execute nothing therein, till he had made the same known to both houses of parliament, desiring to have their concurrence and assistance in all his great affairs."—A message was immediately sent to the house of commons to desire a conference on this occasion, and the king's nomination of the earl of Essex was approved of by both houses.

A Conference relating to disbanding the Army.] July 29. The commons being willing to have both armies disbanded before the king's going into Scotland; and having at length raised money for that purpose, a conference was held, wherein it was proposed, 1. "That the 6th of August next should be the day appointed for the marching away of the Scots army. 2. That the money due for the relief of the Northern counties being ready, if they shall desire any reasonable guard for the conveying of it, there shall be ten steel in the best manner here to do. 3. The house of commons desired that the English lords commissioners may move the Scots to put off the time for the payment of the 80,000l. part of the Brotherly Assistance Money, till the 1st of Sept. next, but, nevertheless, they would pay it sooner if they could. 4. That after the Scots had declared their assents for disbanding, that then our army should be disbanded with all possible speed; the horse to be first disbanded." All which propositions were assented unto by the lords, who did further order, "That the lords commissioners do resume the Treaty with the Scots, and prepare it for a conclusion; and that the select committee of both houses for the ten Heads, be desired to finish and close up this Treaty."

A Conference concerning the Appointment of a Custos Regni.] July 30. Another conference was held between the two houses, on the subject of his majesty's going to Scotland. The lord privy seal made the report of it as follows: "That the commons desired their

to join with them in a petition to the [illegible] he would be pleased to grant commission to one or more peer or peers, to [illegible] power as a Custos Regni, or Locumtenens, during his absence out of the kingdom; and, amongst other things, especially to such person, or persons, power to give the royal assent, in parliament, and to do such other things as the king might do in parliament, was he present. And also that his majesty may be petitioned for an act of parliament to pass to this effect, That such a commission shall not be determined until his majesty's return from Scotland to the cities of London and Westminster, or be present in full parliament."—Ordered, 'That the business of a Custos Regni shall be debated in the 2d of August; and a committee of lords were appointed to peruse some records, which Mr. Selden had quoted in the conference concerning this matter.' The same day a bill from the commons, 'For the general taking of the late Protestation,' being read in the house of lords, it was, by their lordships urged, That though they approved of the taking of it by the members in each house, yet they did not at the general taking of it throughout the kingdom. Upon this the bill was dismissed, which the commons having notice, they presently laid it upon the Bishops and Popish lords in the house, and came immediately to these votes upon it: 1. "That this house doth conceive that the Protestation, made by this house, is fit to be taken by every person that is well-affected in religion, and to the good of the commonwealth; and therefore doth declare, that what person soever that shall not take the Protestation, is unfit to bear any office in the church or commonwealth. 2. That the knights, citizens, and burgesses, and the barons of the Cinque Ports respectively, shall forthwith send down to the several places for which they serve, copies of this vote of the house concerning the Protestation. 3. That these votes be printed, and attested under the clerk's hand."

Archbishop of Canterbury ordered against the Bishops.] It was also ordered, "That a committee shall prepare an impeachment against the Bishops, the makers of the New Canons and Oath, and the votes that have passed both houses concerning these canons and oath; and that no Popish lords ought to have vote in the house of lords in matters of religion."

Answer of the Scots Commissioners as to disbanding their Army. July 31. The earl of [illegible] reported the Answer from the Scots Commissioners, about the removal and disbanding of their Army, which was read in the house of lords, declaring, "That they had sent to acquaint the lord-general and the army's commissioners with it, from whom they received very satisfactory answers. They desired that the arrears might be sent to Newcastle, that they might batch their accounts and pay their debts in those counties, and be [illegible] for disbanding: But the lord-general [illegible] the non-timous delivery of the arrears [illegible] be a great impediment in their removal, &c."—However the English parliament having taken care in satisfying all the demands the Scots could make, both armies were disbanded in the beginning of next month.

A Conference about printing the last Protestation.—Orders of the Commons.] August 2. The commons received a message from the lords, "That they desired a conference, by committee of both houses, in the Painted-Chamber, presently, if it might stand with their convenience." The messengers were told, "That the house had taken their lordships message into consideration, and would return an answer by messengers of their own." Afterwards Mr. Pym was sent up to the lords with this message:

"Whereas the house hath received a message from your lordships for a present conference, without any expression of the subject, or matter of that conference, which is contrary to the constant course of either house; therefore this house cannot yield to a present conference."—Another message was sent from the lords, declaring the subject of the conference; on which it was agreed to by the commons. The business of it was about a printed paper, published in the name of the house of commons, enforcing the taking of the late Protestation, which the lords desired to know whether it was by their order or not.—The commons taking time to consider of it, at another conference, the next day,

Mr. *Hyde* made the following speech* in justification of the votes of the commons, concerning the general taking of the Protestation.—"My lords, I am commanded by the knights, [illegible] and burgesses to present unto your [illegible] answer to that [illegible] required [illegible] to take notice of your lordships desire, that true and diligent may be kept between the two houses, for so your lordships did express it. In this they do, with [illegible] agree with your lordships; and to [illegible] mind, between your lordships and them, is no gallant chain which binds up, in one fraternal knot, the strength, the beauty, the happiness of this kingdom, which, [illegible] not to be broken in sunder by [illegible] Therefore, let us who desire to think this chain, and all the links of it, or fails at his part to the preserving and continuing it fast, firm, and entire, let the sin of it lye at his door; nay, let it come into the [illegible] of both houses and consume it; let him [illegible], and as posterity abhor all [illegible] so careful will the house of commons be to cherish and maintain this good correspondency with your lordships in all things best, for the [illegible] which your lordships were then pleased to confer with them, which was a printed Paper you had read to them, as read, in your house, setting forth some Resolutions of the house of commons, concerning

* Printed in Rushworth, Collections, 1641

which you have put unto us these two interrogatories, viz. 1. Whether those printed papers were the votes of the house of commons? 2. Whether they were printed by their command? They answer, That not finding this paper attested by their clerk's hand, they could not judge of it; they have referred to the journal, wherein their orders and votes are entered, and where they found their votes concerning their late Protestation, taken both by your lordships and them: and they found the contents of this paper to agree in terminis with what is entered in their clerk's book. Then they called to mind what had passed in the house upon that occasion, when those Resolutions of theirs were voted, how they had considered of that Protestation, that it bound all men to defend the religion here established, &c. This they conceived to be a true test of every good subject, a Shibboleth to distinguish the Ephraimites from the Gileadites, that whosoever was well-affected in religion and to the good of the commonwealth, would assent to this Protestation, and, on the other side, who would not make it, was not well-affected. They held it their duties, in discharge of the trust reposed in them by the whole body of the kingdom, all the commons of England, who have sent them out as so many sentinels to watch for them, to give them notice of the good or the evil, friends or enemies, coming towards them. They held it, I say, their duties to declare their opinions, that such a man was not their friend, was unfit to bear office either in church or state; and therefore they passed this vote, 'That it was a thing at all necessary to be done by them, and for such they do know it.'—And besides, they thought it fit to give an account to those who had employed them, the several counties and burroughs that had sent them, to give them a mark, by which they might know who were good men, lovers of their country, fit to be entrusted with offices, or with the oversight in any part of church or state; and therefore they gave order this vote should be sent down unto all the parts of the kingdom. And lastly, That it might be done speedily, and not stay the writing out of so many copies, they gave order it should be printed, and be attested under their clerk's hand. The copies of which three Orders your lordships have in this printed paper, which the commons have commanded me to signify unto your lordships; and that the passing of these votes they do own, they do avow, they do justify.'—With these reasons, after some debate, the lords seemed satisfied.

Serjeant Wylde's Speech at presenting the Impeachment against the Bishops.] August 3. The commons received a report from their committee appointed to prepare an Impeachment against the Bishops concerned in making the new canons, by serjeant Wylde, one of the knights of the shire for Worcestershire; and, next day, the said gentleman was sent with it to the Lords. Upon delivering the said Impeachment at the bar, he spake as follows:

My lords; The knights, citizens, and burgesses of the commons house of parliament being sensible of the great mischiefs and troubles which the common-wealth hath sustained by the exorbitant courses of the Bishops; and knowing well what the Wise Man saith, Because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil,' (the timely redress whereof doth better become the wisdom of a parliament than a too late woful repentance) have commanded me to represent unto your lordships, That Walter, bishop of Winchester, Robert, bp. of Coventry and Lichfield, Godfrey, bp. of Gloucester, Joseph, bp. of Exeter, John, bp. of St Asaph, William, bp. of Bath and Wells, George, bp. of Hereford, Matthew, bp. of Ely, William, bp. of Bangor, Robert, bp. of Bristol, John, bp. of Rochester, John, bp. of Peterborough, Morgan, bp. of Llandaff, together with William, archbishop of Canterbury, and others of the clergy of that province, at a Convocation or Synod for the same province, begun at London, in the year 1640, did contrive, make, and promulge several Constitutions and Canons Ecclesiastical, containing in them divers matters contrary to the king's prerogative, to the fundamental laws and statutes of the realm, to the rights of parliament, to the property and liberty of the subjects, and matters tending to sedition and of dangerous consequence. And, to add more weight and efficacy to this their illustrious designs, they did, at the same synod, under a specious and late title, grant a Benevolence, or contribution, to his majesty, to be paid by the clergy of that province, contrary to law. It rested not there, for though this had been enough to have affrighted and terrified the king's people with strange apprehensions and fears, yet, that the same might not seem to be contrivances of the brain or fancy only, they were put in execution, and were executed upon divers with much rigour, to the great oppression of the clergy of this realm and other his majesty's subjects, and in contempt of the king and of the law. Whether those persons, my lords, that are culpable of these offences, shall be thought in to have an interest in the legislative power, your lordships wisdom and justice is able to judge. But, for these matters and things, the knights, citizens, and burgesses of the commons house in parliament, in the name of themselves and of all the commons of England, do impeach the said Bishops before-named, of the crimes and misdemeanors before expressed, and do therefore pray, That they may be forthwith put to their Answers in the presence of the commons, and that such further proceedings may be had against them, as to law and justice shall appertain.

Conference concerning the appointment of a Custos Regni.] August 5. A message from the

* The Surnames of these Bishops were Carle, Wright, Goodman, Hall, Owen, Piers, Coke, Wren, Roberts, Skinner, Warner, Owen, and [illegible].

lords to desire a conference on a former message from the commons, concerning a Custos Regni, or Vice-Roy, in the king's absence. Mr. [illegible] reported it back to the house, "That the lord privy seal told them, that commissioners were to be appointed in the king's absence to pass the following bills: 1. The act of Tonnage and Poundage, or other Duties upon the Exportation or Importation of Commodities. 5. For the preservation of the Salt-Petre Mines, and making of Gunpowder for the defence of the kingdom. 6. A power to pass the bill concerning the 3 Subsidies to the Clergy. A short act to be drawn to authorize the passing of these bills." Mr. Pym added, that the lord Say said, "The lords intended not to conclude for this house; but that they might add what they should think necessary to be expedited in the king's absence." A committee was immediately ordered to consider of this affair, and meet this afternoon about it.

The Impeached Judges forbidden to go the Circuit.] A conference was also held this day between the two houses, about commissions being granted to the impeached Judges to go the circuits; which the commons urged would be very disagreeable to the several counties, to have persons sent down to them, as Judges of assize, who are themselves impeached. The lords considered of this, and ordered the lord keeper to take care, That these Judges, so impeached, should have no commissions to go the circuits, and, if any were granted already, to revoke them.

The next day Mr. Glyn reported from the conference committed, "That this house will desire the lords to join with them to pray his majesty to appoint a Custos Regni, in his absence, according to their former proposition: That ancient and constant course, time and in all times, has been always to have a Custos, in the king's absence, the parliament then sitting, not limited to any particular matter."

The Commons Reasons for desiring the King to delay his Journey.] August 7. The commons were still very anxious about the king's Journey, the time assigned for it now drawing nigh; and actually desired the lords to join with them, again, to petition for the king's stay 14 days longer; the Reasons for which Mr. Denzil Hollis delivered in a speech to the lords at a conference.—"My Lords, I am commanded to put your lordships in mind of what hath passed upon this occasion before, concerning the king's Journey to Scotland, That both houses did consent to petition his majesty not to begin his journey till the 10th of August, and to accept the Scots commissioners therewith; who afterwards desired this house to express their resolutions in the affirmative: upon which the house of commons passed a resolution, "That [illegible] then, if his majesty pleased to go, they would submit unto it. I am commanded to declare unto your lordships, that the house of commons is desirous to submit unto his majesty's good pleasure in all things; but such is the present condition of this business, as it now standeth, that they are enforced to present some further considerations unto your lordships: 1. That, when they gave this assent, they were in hopes both armies would have been disbanded by this time; but though there hath been all possible means used to that end, yet it could not be fully effected: so the same inconvenience doth still continue. 2. The treaty cannot in so short a time, be finished, being returned from Scotland but 3 days since; but since it is found to be finished, and money are provided, the armies will be disbanded by the time we desire his majesty to take his Journey. 3. The distempers and jealousies of the Kingdom are such, that they cannot be composed by passing some acts, unless his majesty stay the desired time. 4. No course is yet taken for the government of the kingdom in his majesty's absence, there being so many weighty things to be taken into consideration. Upon these Reasons the house of commons have thought fit to move your lordships to join with us in a petition to his majesty, to stay his Journey for 14 days longer; and we make no doubt but our brethren in Scotland will consider the straits we are in, and, for our safety, condescend in our desires: and if his majesty yield thereunto, then we shall desire your lordships to join with us in sending an express messenger to the parliament in Scotland, for the king's stay for that time, which we hope will give them satisfaction.'

The Royal Assent given to several Bills.] But, to put an end to any more consultations of this kind, in the afternoon of this day, the king came to the house of lords; and, sending for the commons, his majesty gave the royal assent to the following public bills: 1. An act against divers Encroachments and Oppressions in the Stannaries Courts. 2. An act for the securing of such monies as are or shall be due to the inhabitants of the counties of York, and those adjoining, wherein his majesty's Army is or hath been billeted, for the billet of the soldiers there; as also to certain officers of that army, who [illegible] for part of their pay, &c. 3. An act for declaring unlawful and void the late Proceedings about Ship-Money, and for vacating of all records and processes concerning the same. 4. An act for ascertaining the limits and bounds of Forests. And to 7 private acts.—After this the lord keeper made a short speech, and then the king bid the parliament farewell, and so departed.

The Reasons of both Houses for sitting on a Sunday.] When the commons returned to their house, it was first resolved, "That this house should sit to-morrow, being Sunday, at 8 o'clock; and ordered Mr. Strode to go up to the lords, and acquaint them with it," and to desire their lordships to do the same; which the lords consented to.

[illegible]

[illegible]

Ordered, "That all the members of this house, in regard of the great and weighty affairs that import the safety of the kingdom, do repair hither to attend the service of the commonwealth, with all possible speed, upon pain of incurring the displeasure of the house for their neglect." This order was printed, and sent to all the returning officers in the kingdom. A Call of the House was peremptorily ordered for the 17th instant.

August 8. This day, being Sunday, the commons went down, by 8 o'clock in the morning, to St. Margaret's Church, Westminster, and heard prayers and a sermon, and returned to the house about nine. Ordered, "That this house shall enter into consideration of no business whatsoever upon this day, but such as shall immediately concern the good and advancement of religion, and the safety of the kingdom." And, accordingly, both houses agreed in a Declaration, which was printed and published in these words

"Whereas both houses of parliament found it fit to sit in parliament upon the 8th day of August, being the Lord's Day, for many urgent and unexpected occasions, concerning the safety of the kingdom, they being so straitened in time, by reason of his majesty's resolution to begin his Journey towards Scotland on Monday following, early in the morning, that it was not otherwise possible for to settle and order the affairs of the kingdom, either for the government thereof in the king's absence, or for the present safety, as was requisite upon these present necessities: though the houses thought it necessary to sit, yet the lords and commons, now assembled in parliament, think it meet to declare, that they would not have done this, but upon inevitable necessity, the peace and safety both of church and state being so deeply concerned; which they do hereby declare, to the end that neither any other inferior court or council, or any other person, may draw this into example, or make use of it for their encouragement, in neglecting the due observation of the Lord's Day."

Both Houses petition the King to delay his Journey.] The lords sent a deputation of their body to the king, to know his pleasure when the two houses should wait upon his majesty with their petition, who appointed 4 o'clock that afternoon for this purpose. Several reasons were also agreed upon to be given to the commissioners for Scotland, for staying the king's journey. At the time appointed a committee of lords waited on the king at Whitehall, with the joint Petition of both houses, to which his majesty returned the following Answer

"That the importance of your desires would require some time of deliberation, if the urgent necessity in the business did not press the contrary, the same necessity teacheth me what to answer, which is two-fold. First, and shortest, is my public faith given to my kingdom of Scotland, to be present at the parliament; and never any prince was so strictly bound in honour as I am to this. Secondly, the urgency of my affairs there, which indeed are very great. To comply with both which, I can stay no longer than Tuesday; and so long I think fit to stay, that the gentlemen of the house of commons may so hasten the Treaty with Scotland, that I may give the royal assent thereto, some time to-morrow, for, otherwise, I shall be forced to pass it by commission which I leave behind me; but the earnest desire I have to pass this important bill, personally, makes me stay thus long, which I know will be very inconvenient to me. To conclude: I desire your lordships to remember, that, upon your requests, I have already stayed one month, and that you, by public promise, engaged not to urge my stay longer than to-morrow; therefore, remembering all engagements, I expect that ye press me no more in this: and for the government of the kingdom, I hope I shall leave behind me such commissions as will serve, especially whilst the parliament is sitting."

The Scots commissioners also returned an Answer to the parliament's last proposal, wherein they inforced the reasons for his majesty's going: and concluded, That the affairs of that kingdom were so pressing, as could not, without danger of irreparable loss, suffer any longer delay.

August 10. Thoking came to the house of lords in the morning, and sending for the commons, his majesty gave the royal assent to 1. An act for the confirmation of the treaty of pacification, between the two kingdoms of England and Scotland. 2. An act for securing, by public faith, the remainder of the Friendly Assistance and relief, promised to our brethren of Scotland. 3. An act for bringing in of Gunpowder and Salt-petre from foreign parts. 4. An act for prevention of vexatious proceedings touching the office of Knighthood. 5. An act for the better ordering and regulating the Office of Clerk of the Market, and for the Reformation of false Weights and Measures. Then the king took his leave a second time of the parliament telling them, "That he hoped to use good expedition in disbanding of both armies, and would make all haste he could to return before Michaelmas." About two of the clock in the afternoon the king set out for Scotland, accompanied with the elector Palatine, and the duke of Lenox, who, the day before, was introduced into the house of peers as duke of Richmond.

The first thing the commons did, after their return to their house, was to take into consideration the way of putting the kingdom into a posture of defence, and to settle some order of government both in church and state; but nothing particular was done in the business at this time. They likewise sent up a bill to the lords, intitled, 'A Subsidy to be granted to the king of Tonnage and Poundage, and other sums of money payable upon Merchandizes imported and exported,' which they desired might pass by commission; and that the same might be issued before his majesty be out of this kingdom.

Proceedings in relation to the Impeached Bishops.] Aug. 11. The lords received a message from the commons to put them in mind of the impeachment brought up against 13 Bishops; and to let the lords know that the commons were ready to make good the said impeachment at their bar, and to appoint a time when the said bishops shall make their answers in that house in the presence of the commons. Upon this message the lords fell into a debate, whether the impeachment against the bishops was not too general for them to answer, and resolved to have a conference with the other house about it. At this conference the lord privy seal told the commons, That they had received an impeachment against 13 Bishops, delivered at the bar by word of mouth, accusing them of many great crimes and misdemeanors, to which they required the bishops to answer. That these were matters of great consequence, and coming from the house of commons, they were very curious not to proceed, but in a parliamentary way, upon good consideration. That the charge was in generals only, and since there were two ways of proceeding, by transmission from this house, or a charge by word of mouth; in the latter, the course is to appoint some of the king's counsel to draw up particular charges out of the general. That the lords would proceed no way til they had a sight of them with it, and desired the commons to consider, whether they would stand to the charge already transmitted.

August 12. The house of commons resumed the affair of the Army-Plot against the parliament, and voted Henry Percy and Henry Jermyn, esqrs with sir John Suckling, knt. guilty of High Treason. A public thanksgiving was also ordered to be observed on the 7th of September next, for the happy conclusion of the peace.

August 13. The commons prepared a new Charge against the 13 Bishops, touch in the same words as before, and sent it up to the lords by serjeant Wylde.

Complaint against the Capuchins belonging to the Queen.] The same day the father-confessor of the Capuchin Friars, belonging to the queen at Denmark-House, with the rest of that brotherhood, were complained of by the commons, as dangerous and active in seducing the king's people from the Protestant religion. Hereupon the lords ordered the earl of Dorset* attending the queen, and humbly to desire her majesty, That the said Friars may be kept in, and not suffered to go abroad to pervert the people, and draw them to be reconciled to the church of Rome. And further, that the said earl do send for the chief of the Capuchins, and give him warning that he obey this command.

Aug. 17. This day the earl of Dorset acquitted to the house of lords, "That he had waited on the queen, and acquainted her majesty with the humble desires of this house, touching the restraining of the Capuchin Friars in Denmark-House from tampering with and withdrawing the king's people.' Her majesty says, 'It is much against her will that they have gone so far, but endeavoured to prevent further inconvenience, and her majesty is also very tender of the ease any English people should resort there to chapel; but her majesty will give orders to prevent these for the future.' And the earl of Dorset said, 'He would obey their lordships command, and send for the chief of the Capuchins; and give him a strait command, not to suffer any of the Friars to go abroad, nor any English people to come to them, or to hear mass there.'

Orders of the Lords concerning the impeached Bishops.] The same day, the lords ordered the Impeachment against the 13 Bishops to be read; then went into a debate about it, and came to these Resolutions: 1. "That the lords the Bishops who are impeached, may sit in the house, without voting, when they are debating whether they shall have further time to answer or not. 2. That such of the Bishops who are impeached, shall not sit in the house when the merits of the cause are in debate." Afterwards the time for the Bishops to give in their Answer to the Impeachment, was fixed for the 16th of Sept. next.

Aug. 18. That the bishops might be the better prepared to give in their Answer to the Impeachment against them, it was this day ordered by the house of lords, "That the bishop of Winchester, with one other of the bishops, may have access, twice, to the lord archbishop of Canterbury, to speak with him concerning their Answer to the Impeachment brought up against them from the house of commons, for [illegible] Book, &c. and they are to speak with the bishop of Canterbury [illegible]." It was also ordered, "That the [illegible] Bishops, may have access [illegible], and have conference with such and records, as they shall desire [illegible] public offices, [illegible] answers to the Impeachment brought against them from the house of commons."

Commissioners to attend the King into Scotland.] Whereas the king, by his royal patent from Berwick, 29 June, 1641, had appointed William earl of Bedford, Edward lord Herbert, sir Wm. Armyn, bart. sir Philip Stapleton, knt. Mr. Theophilus Jones and John Hampden, esqrs. were appointed Commissioners to attend his majesty in Scotland, and that he would graciously permit two persons to follow the Instructions there given by Parliament, viz.

I. "To take care of the ratification of the Treaty, and of those acts which concern both nations, and to bring with them an authentic exemplification of the same. II. That they see the Cautionary towns settled, concerning Trade, and of keeping good correspondency between both kingdoms for a public Peace, according

* Lord Chamberlain of her majesty's household.

to the Articles of the Treaty. III. To demand satisfaction for such Debts as shall remain due from the Scots unto the Northern counties, for provision and monies raised and taken up, for the Scots army. IV. To clear the proceedings of the parliament of England towards the parliament of Scotland, if they shall find any false reports, which may breed a misconstruction between both kingdoms. V. To assure them of the good affection of the parliament of England in all things, so far as concerns the service of his majesty, and the peace and prosperity of both nations. VI. To certify the parliament, from time to time, of their proceedings, and of all occurrences which shall concern the good of this kingdom. VII. That they shall put in execution such further Instructions, as they shall receive from both houses, and as his majesty shall approve of. VIII. That they proceed not in the Treaty with the parliament of Scotland, till warrant and commission be sent down unto his majesty, by a messenger on purpose, and a return with the warrant to pass the commission under the great seal of England."

Ordered, by the commons, "That Mr Anthony Nichols, member for Bodmin, be the messenger to Edinburgh, to carry the Petition, Commission, and Instructions, then read, for his majesty's approbation, and that the sum of 1000*l.* be allowed for the commissioners charges.

The Lord General ordered to disband the Army.] August 19. A conference between the lords and commons, about the speedy disbanding of the English Army, to which the king had given his consent, particularly the horse; and an order was made, to be sent to the lord general, That all further delays and excuses set apart he do, forthwith, disband all the horse troops of the army, before any of the foot; and command the officers of them to depart, as a matter of great importance to the commonwealth. Mr. Rushworth, author of the Collections, was sent post to York by the commons with this order to the lord general, and also letters from the parliament to the lord Fairfax, sir Arthur Ingram, and Mr. Mallory, to see this order punctually obeyed.

August 25. A messenger had been sent down by the lords, to bring up Dr. Roger Manwaring, bishop of St. David's, who returned and said, that he could not be found; on which the lords ordered, "That his temporalities should be seized into the king's hands, until the said bishop should appear, and attend the commands of that house."

State of the Navy.] The commons took into consideration the State of the Navy, and found, That the arrears due to the officers of the Navy were very great, and the provisions in the magazines decayed. That for the guarding of the narrow seas this year, the house of commons had set forth ten of the king's navy and ten merchant ships, the charge whereof did amount to 57,000*l.* and for payment of which there is only 28,000*l.* due of the money granted to the king for Tonnage and Poundage; and considering the seamen, when they come home, will want their pay, and are to remain in pay till they receive their wages, which will grow to an excessive charge, unless some course be taken to provide the said 57,000*l.* Therefore it was ordered, That the farmers of the customs pay 15,000*l.* a month to the treasurer of the navy, towards the discharge of that debt.

A Recess resolved on.] Aug. 27. A conference was this day held between the two houses, in which the commons represented to the lords, That since the Scots army was now gone out of the kingdom, the English army almost disbanded, and that the plague increased in the cities of London and Westminster, and parts adjoining; they have therefore thought of a Recess for the two houses, from the 8th of Sept. to the 20th of Oct.; to which they desired their lordships consent. On consideration of this, the lords thought proper to propose the Recess to be from the first date to the 1st of Nov.; which the commons refused for the following reasons.—"1 As, first, the nature of the Causes which are depending in both houses, some thereof being for High Treasons, and the Impeachment of the Judges; the inspection of which business they desired might be before next term. 2dly, The time of Payment of the Money, promised to the city of York, falls out to be before the 1st of Nov.; therefore they desire their lordships to have a recess only to the 20th of Oct. next," to which the lords agreed.

Sir B. Rudyard's Speech against suffering the French or Spaniards to hire disbanded Soldiers.] Aug 28. The affair of the French and Spanish Ambassadors hiring forces from the disbanded Irish Army, was considered of by the commons. Upon this occasion

Sir *Benj. Rudyard* made the following speech: "Mr. Speaker, This is a business of great consequence, and therefore requires a well-advised resolution. I will put France and Spain together, and take them both before me; because the reasons will serve the one and the other, as they stand in relation to us. We are so bounded by the nature of our situation, that we are not so proper to extend ourselves upon the firm land as our neighbours; our aptitude is rather to balance; which, being rightly used may make the king the great arbiter of all the affairs of Christendom, by assisting, withholding or opposing. Henry 8 is an example of this: he was sometimes on the side of the emperor, other times of the French party, according as he saw either side of the scales to weigh heavier or lighter. Some might think this to be inconstancy in him, but it was certainly out of a true and peculiar understanding of his power. By the present state of Christendom it is apparent, that the house of Austria begins to diminish, as to Spain, so consequently in Germany: that the French do swell and enlarge themselves; if they grow and hold, they will be to us only Spain weaker hand. [illegible] do serve well to

make up a present breach, or mutually strengthen those states who have the same ends; but politic bodies have no name but they are guided by particular interest, beyond that are not to be trusted. Although it may be good policy to breed a militant state charge of other states abroad, for our own use and occasions at home, yet that ought rather to be done amongst friends of the same way; and so the Low Countries have been an academy to us. His majesty hath now an ambassador treating with the Emperor about the Palatinate. If we send away our men, it will so damp and discountenance the affairs of the Prince Elector, as the world will believe we never had, nor ever shall have, any intentions to assist him at all. I have observed, for divers years, that England is not so well peopled, but we do want work-folks to bring in harvest our disbanded soldiers will least dislike that kind of work, and if they be speedily dissolved, that employment will entertain them for the present, and inure them to labour for hereafter. Upon these considerations I cannot give my advice to add more strength to France, by weakening both ourselves and our friends.—As for sending the Irish into Spain; truly sir, I have been long of opinion, that it was never fit to suffer the Irish to be promiscuously made soldiers abroad, because it may make them abler to trouble the state when they come home. Their intelligence and practice with the princes whom they shall serve, may prove dangerous to that kingdom; they may more profitably be employed upon husbandry, whereof that kingdom hath great need. Besides, it will be exceedingly prejudicial to us, and to our religion, if the Spaniard should prevail against the Portuguese. It were better for us he should be broken into lesser pieces, his power shivered. If the king of Portugal desired these Irish, I should rather have given my vote for him than the king of Spain, because it will keep the balance more even. Spain hath had too much of our assistance and France heretofore. I am sure it lost us the Palatinate. Now that it is come to our turn to advise, I hope we shall not do over other men's faults again. If the present government of Ireland be not able to restrain the disordered ones, there is a noble lord already sent to that charge, who, by his known care and abilities, and his other great parts, will be, no doubt, abundantly able to reduce them to a due obedience. Wherefore Mr. Speaker, upon the whole matter, my opinion is, That we should not be forward to send over men, but rather to preserve and employ them for our own use and employment, and our friends, for our religion."

After which the house came to these votes: Resolved 'That this house likes well of, and that there should be a levy of men in England for the service of the king of Spain, in assistance of his majesty's dominions for the Palatine's service.' This was countermanded by the lords, who ordered that a letter should be

[illegible] storm him of these [illegible]

The Answer relating to the [illegible] The lord [illegible] that he had received [illegible] the return of [illegible] Scotland, Mr. Nicholas, which was [illegible] these words:

"Right trusty and well beloved, we [illegible] you well, Whereas we have understood [illegible] Petition of both houses of [illegible] England, which Anthony Nicholas, [illegible] been employed to bring us, that they have resolved to send down certain of their members hither to see the ratification of the Treaty of Pacification by the parliament here and, to that end, have desired commissions under our [illegible] seal, we do not think it necessary to sign any such commission, but are graciously pleased to give leave to the said members to come and attend us here in Scotland to see the ratification of the said Treaty, and what else belongeth thereunto. And therefore we require you to stay [illegible] the houses from [illegible] Given under our signet at our court at Edinburgh, the 25th of August."

After the reading of this Letter, the house resolved to communicate the contents of it to the commons. Mr. Nicholas brought with him the king's reasons for refusing to grant a commission, which were as follow:

1. "His majesty conceives the Treaty of Pacification, between the two kingdoms already ratified by the parliament of Scotland, to be would be a means to keep them quiet here, than he intends to stay [illegible] this commission should be granted, it would begin new matter. 4. That the Scots army is over the Tweed; and that the Irish army hath almost disbanded all our army, [illegible] with the horse." These Reasons [illegible] contented both houses, and [illegible] more of the matter.

The French Ambassador insulted.] Upon information that the French Ambassador and his servants had been [illegible] in his own house, and were [illegible] by night people, to his extreme insufferable wrong, injury and dishonour, the lords made an Order 1. And that the offenders and punish them severely, for [illegible] to the dishonour of the [illegible] and [illegible]. On the 6th of September the lords had [illegible] of the rioters, concerned in attacking the French ambassador's house, to be committed to Bridewell, to stand in the pillory, and be publicly whipped before the said [illegible], and [illegible] his pardon in the mean time, if the [illegible] of the ambassador, the whipping was omitted. Complaint was done to me, that the Portuguese Ambassador's chapel, in Lincoln's-Inn-Fields, had been [illegible] by the mob.

Reformation of the Church-Table, &c.] Aug. 31. The house of commons began their first reformation in Church Affairs, and came to a resolution "That this house holds fit, that the superstitious [illegible]

every parish church, or chapel, do forthwith remove the Communion-Table from the east-end of the church, chapel, or chancel, where they stand altarwise, and place them in some convenient place of the church or chancel; and take away the rails and level the chancels, as heretofore they were before the late innovation."

Sept. 1. Some further regulations, as to Churches, were made by the commons, with this preamble to them: "Whereas divers innovations, in or about the worship of God, have been lately practised in this kingdom, by enjoining some things and prohibiting others, without warrant of law, to the great grievance and discontent of his majesty's subjects; for the suppression of such innovations, and for the preservation of the publick peace, it is this day ordered by the commons:" Then follows the Resolution of yesterday; and next, "That all Crucifixes, scandalous pictures of any one or more persons of the Trinity, and all Images of the Virgin Mary, shall be taken away and abolished; and that all tapers, candlesticks, and basons be removed from the Communion-Table. That all corporal bowing at the name of Jesus, or towards the east-end of the church, chapel, or chancel, or towards the communion-table be henceforth forborne. That the Lord's Day shall be duly observed and sanctified; all dancing or sports, either before or after divine service, be forborne and restrained; that the preaching of God's Word be permitted in the afternoon, in the several churches and chapels of this kingdom, and that ministers and preachers be encouraged thereunto."—These Orders were also to be strictly observed in both the universities; and all mayors, sheriffs, justices of the peace, &c. were enjoined to see them put in execution. But a debate arising, Whether an Addition, relating to the Book of Common-Prayer, should be made to these orders, the house divided, and it was carried, in the affirmative, 55 against 37. Resolved, upon the question, "That the committee yesterday appointed to prepare an order for taking away all superstition, shall take into consideration to propound unto the house an Addition to the Order for preventing all contempt and abuse of the Book of Common-Prayer, and all tumultuous disorders that might arise in the church thereupon."—So that, by the thinness of the house, the church-party got the better at this time.

Sept. 8. The commons sent up to the lords their former orders about a Reformation in Churches; the first three of which the lords having taken into consideration, came to these Resolutions. 1. "That where there are rails already, they are to be removed with the Communion-Table, but where there are none, they shall not be enforced upon any; nor that all steps in the chancel, raised within these 15 years shall be removed. 2. "That Crucifixes, and scandalous pictures of the Trinity, be abolished, without limitation of the time since their erection; and all Images of the Virgin Mary are up within 20 years last past. 3. "As to the ceremony of Bowing at the name of Jesus, it shall not be enjoined nor prohibited to any man."

The same day the commons went one step farther in their intended Reformation, by ordering "That it shall be lawful for the parishioners of any parish, in the kingdom of England and dominion of Wales, to set up a Lecture and maintain an Orthodox Minister, at their own charge to preach every Lord's Day, where there is no preaching; and to preach one day in every week, where there is no weekly lecture."

Further Proceeding concerning colonels Ashburnham and Pollard.] On a division, Whether colonels Ashburnham and Pollard, who had been voted to be concerned in the late Army-Plot, should have their pay? it passed in the negative, 49 against 41. Lord Clarendon gives us the following account of the debate on this question: "Very many passionately alledged, 'That such men ought not to receive their pay, who had forfeited their trust:' yet there wanted not many who alledged, 'That they had the security of an act of parliament for their payment; and that in justice, it could not be detained from them: That tho' they lay under the displeasure of the house, they were so far from a judgment yet, that there was not so much as a charge against them, but that they were at liberty under bail; and therefore they could not be said to have forfeited any thing that was their own.' In this debate the house seem'd equally divided till one (Mr. Selden) who knew well what he said, told them, 'That there could not be any reasonable pretence for detaining their due, as well for the reasons that had been given, as that they were absolutely pardoned by the late act of oblivion and pacification between the two kingdoms." The which was no sooner said, than many of those who were before inclined to the gentlemen, changed their opinions, and without so much as calling to have the statute read declared, 'That they could have no benefit by that act of parliament; because then the same might be as well applied to the archbishop of Canterbury.' And so, without further weighing the law, or the reason, it was thought sufficient, not only to exclude them from that benefit, but to bar them from their money; lest they might be thought to be admitted to it for that reason, which ought prove an advantage to another, to whom they had no inclination to be just."—But the noble historian takes no notice of the following remarkable circumstance. That in the afternoon of the same day, the motion concerning these gentlemen being allowed their Pay, was again put to the question, when it was resolved, by 29 against 23, "That they should have their Pay, notwithstanding any former Order."

Orders relating to the Plague.] The Plague, which had infected the cities of London and Westminster, increasing, there were, by the agreement of both houses of parliament, certain Orders made to prevent the spreading of

the infection, which were as follows: "1. That the words, 'Lord have Mercy upon us,' with a large red cross, be set upon the door of every house infected with the plague. 2. That all the stuff in the house, where any have been visited with the plague, be well aired before it be discharged, or the house opened. 3. The house visited with the plague to be shut up, whether any persons therein do die or not, and the overseers so shut up to bear their own charge, if they be of ability. 4. No person to be removed out of any infected house, but by leave of the magistrate. 5. If any person fly out of any house infected with the plague, at or before the death of any in the house, such persons so flying to be pursued by hue and cry; and the house where they shall be found to be shut up, and they returned back to the place from whence they fled. 6. That the decree, 40 Eliz. unpursued, inter alia, for the relief of the poor, who are driven to live by begging, or to be relieved by alms, and have been taken into new erected tenements and divided houses, be taken into consideration during the time of infection; and the landlords of such tenements to be rated, according to the said decree, with the parishioners where such buildings and divisions are, as if they were dwelling in each parish; for that, the case, the said buildings will be an insupportable charge to the parish, and the poor people turned out into the streets in this time of infection. 7. That the pavements in the streets be made sufficient, and so maintained, and the kennels kept sweet and clean, the soil of the said streets to be carried away, and all annoyances to be removed; and such inhabitants as shall refuse to [illegible] reasonable rates assessed on them for [illegible] scavengers, which shall clean [illegible] carry away the soil, be distrained by their goods for the payment thereof. 8. That if any person shall turn out of their houses any servant or lodger, being sick, power be given to the [illegible], or officer, to put them into their said house again, or otherwise the said persons [illegible] their maintenance for them, [illegible] upon their refusing so to do, bring able persons, to distrain the goods of such persons, that shall turn them out of doors, for the discharge. 9. That by order of the magistrate, no person [illegible] be removed out of their house or lodging to the pest-house, or other place; when they be recovered, and in perfect health, the said magistrate to have power and full authority to return and settle the said persons in their houses or lodgings from whence they were so taken out, without contradiction of their landlords or any other. 10. That all magistrates, or other persons, that shall be trusted with this service, may be enabled to do all other things necessary and pursuant to the execution of these Orders, as occasion shall require: and be out of the danger of [illegible], seeing they hazard their particular [illegible] to provide for the public."

Orders of the Lords concerning During Service.] The Lords went upon settling Religious Affairs; and, on a division voted "That an Order made Jun 16, 1640, by that house, concerning Divine Service to be performed, as it is appointed by several Acts of parliament in this realm, and all that do disturb that wholesome order shall be severely punished according to law, &c. be again printed and published." A Protest of some lords is entered in their Journals against it: which Protest is the first of this kind we have yet met with:

Peers' Protest against it.] "After the debate for printing and publishing the order of the 16th of Jun last," [here the order is recited as before] "it being put to the question, Whether the said Order shall be printed before a conference held with the commons about it, we whose names are here under-written did dissent and insist, before the putting the question, demanded our right of protestation, do accordingly make our protestation, That we hold it fit and necessary to have the consent of the house of commons in these things, which concern matter of right touching the government of the church, and therefore we desired to have a conference with the commons, before any conclusive Order was printed and published hereon; especially the house of commons having but lately brought to us and delivered the consent of their house unto certain votes of theirs against Innovations, in or about the Worship of God, lately practised in this kingdom, without warrant or law; and therefore to accept of any vote of the dangers and inconveniencies that might arise by the printing and publishing of the said Order, as binding to the whole kingdom, without the desiring the consent of the house of commons we do protest, our dissents unto this vote, and do think it as necessary." Bedford, Warwick, Clare, Newport, Wharton, Kimbolton."

The Lords also sent a message to the commons to desire a conference about the Instructions and Ordinance sent up by the latter this morning, and, also, concerning a committee to be appointed to meet, during the time of the recess, to receive and answer the Letters which shall come from the committees in Scotland; and to do such other things as shall be desired by the houses, which was agreed to. After this the lords resolved to have another conference with the commons, to desire them to join with their house in the foregoing Order concerning Divine Service, and a message, to that purpose, was sent accordingly. We do not find that a conference was held, between the two houses, on that point, but that, when the message above-said was received by the commons, they instantly resolved, "That this house doth not consent to these Orders, or to any of them." And immediately appointed a committee to draw up a Declaration of their own, against the other; which, being read in the house, was approved on, and ordered to be printed and published.

Committee appointed to act during the Recess.] Both houses appointed Committees, during the Recess; for the lords there were the

lord keeper, lord privy-seal, lord chamberlain, earls of Warwick, Clare, Denbigh, and Cleveland. Those for the commons were Mr. Pym, sir Gilbert Gerrard, sir John Franklaud, sir John Colepeper, Mr Wheeler, sir Hen. Mildmay, Mr Bridgman, Sir Tho. Bowyer, sir Tho Barrington, sir Filw Hales, sir Wm Lytton, sir Ri Cave, Mr Rob Goodwin, sir Sam. Luke, Mr Wingate, sr Rob. Pye, alderman Soames, alderman Pennington, captain Venn, Mr. Vassal, lord Falkland, capt Rainsborough, Mr Bence, sir Peter Wroth, Mr. Holland, Mr Winwood, Mr Seawen, Mr. John Goodwin, sir Tho Dacres, Mr Morley, Mr. H Martin, Mr A Goodwin, sir John Clotworthy, Mr White, Mr. Sollicitor St John, Mr. Spurstow, Mr. L. Whitaker, Mr. Serj. Wylde, Mr. Strode, sir Hen Vane, Mr. Glynn, sir Symonds D'Ewes, sir Wm. Drake, Mr Beddingfield, sir G. Pickering, Mr. Blackston, Mr. Waller.—This committee of the commons was to act according to the following Instructions —" To meet on Saturday next, in the Exchequer-Chamber, at 9 in the morneon, and every Tuesday and Saturday in every week, and at such other times as they shall think fit, during he recess and they, or any six of them, to have power to meet with the committee of the lords, appointed during their recess, at such times as they shall appoint. To have power to receive and open such letters as shall come from the committees in Scotland, and to give answers according to the former Instructions and Orders of this house. To take care that the orders of this house be punctually observed, concerning the Disbanding of the Army, Fruit of Soldiery and Garrisons, and for the issuing and sending down of Money for those purposes according. To have power to recall the committees in Scotland, if they see cause. To have power to go on in preparation of proceedings against the principal of such delinquents as are already voted or complained against in the house, and to report any offers which they shall make to the house. That upon information of any riots or tumults, to have power to send to all sheriffs, justices of peace, and other officers, to stir them up to their duty in repressing them; and to report to the house any failure of obedience to such sending. To examine the entries of the Clerk' books; and, to that end, that the committee may not mistake any past action of the house, a clerk to be left there with his books. To take care of the preparation of his majesty's Revenues; and to take into consideration any accounts to his majesty. To go on in prosecution of the consideration of a West India Company. To take into consideration the Fishing upon the coasts of England, Scotland, and Ireland. To take into consideration the Resolution of the Abuses in exchanging and transporting of Money, and the regulating of the par betwixt this and other kingdoms. To prepare the Irish Causes depending, to be either, at the recess, transmitted to the lords, or recommended to the Irish parliament. To consider about Sir Peere and Gun-powder. To send for any persons, writings, and records. To prepare a Discharge for the earl of Warwick, according to those acquittances he hath given concerning the Northern counties."

This day also the lords ordered, That the impeached Bishops should bring in their Answers to the said Impeachment on the 30th of Nov.: after which both houses adjourned to 20th of October.

Whitlocke writes, "That the state of affairs, in the recess of parliament, seemed to be in a calm, but soon broke out into hideous storms, which threatened the long enjoyed peace of the kingdom. That discontents at government, and distractions in opinion concerning religion, put the whole kingdom into a spirit of division and contradiction. Insolences and disorders, unpunished or connived at, mightily increased; the successes of the Scots animated other subjects to illegal pretences and impious actions; and, what made things infinitely worse, in the time of the king's absence in Scotland, the Irish rebellion broke out." How far the account of this last affair came before the English parliament, will appear in the sequel.

Mr. Pym's Report of what had been done by the Committee during the Recess.] Oct. 20. Both houses met pursuant to adjournment; when

Mr. *Pym*, one of the Committee of the commons appointed to sit during the Recess, made a Report to that house of what had happened in that interval as follows *":—" The first thing we had in charge, was concerning the Declaration of the house relating to Innovations: the committee have sent divers of them into the country, and have found, that, in some places where there were good ministers, they were entertained, and in some other places they were neglected; but, for the most part, it is by those that have been employed here for other matters. The committee took into consideration the intention of the house, concerning the publishing of this Declaration: therefore they gave directions to require the publishing thereof in churches; and that the church-wardens might see the execution thereof. Some particulars concerning this will come in a special Report, which I shall now only touch upon in the general, in regard of the great importance of the business first to be considered of this day, touching the Troubles in Scotland; of which I shall give you an account.—The next thing the committee took into consideration, was the correspondency with the committee in Scotland, in conserving Letters from them, and sending answers unto them. I shall not need to press their several letters now, it will take up too much time; but the chief point was touching the Disbanding of the Army, and the two garrisons of Berwick and Carlisle. For Carlisle, it is totally disbanded, and the soldiers sent

* This Report is very imperfectly given in Rushworth's Collections; but as stands thus in the Journals.

into Ireland, to be placed there, as they were before in the king's army, for we did conceive it fitter, those new men, now in the king's army there, should be dismissed, and these that were formerly taken from thence should be entertained again, for we hear a good report of their carriage at Carlisle as for the garrison at Berwick, that required longer time of consideration at the committee, for, besides the demolishing of the works (which was much pressed by the Scots, and seconded by a letter from his majesty out of Scotland) there was a want of money, yet the committee got sufficient to disband all, and sent it down: and because the Scots commissioners desired to know certain day of our disbanding, and then they would, upon knowledge of that, disband their forces, thereupon the committee set down 15 Octobris to be the last day of disbanding. And the letter yesterday received from sir Michael Erskey sheweth, that he hath money ready to disband all, and the horse are disbanded, and 3 companies of foot: and that on Friday last the other companies of foot remaining had been disbanded, but a letter came from sir Henry Vane, in his majesty's name, requiring to stay the disbanding of the rest till further order, of which you shall hear more particularly, when I come to that part of my report.—For the Arms and Ammunition at Carlisle; the committee gave order for the laying and safe-laying of them up, to be well kept till the next spring, when it will be more seasonable to send for them away, they being now 5 or 6 miles from the sea-side, which would have taken now too much time to have shipped them: and sir George Dalston, and others, members of the house, are desired to take care of the safe-keeping of them in the mean time.—For the Ammunition at Berwick; the committee have sent 6 ships to transport the same to the Tower; and agreed with them for a certain sum for the doing thereof within such a time, and if they stayed longer, have so much per diem for their wrage.—The next thing we took into consideration at the committee, was concerning Tumults, though we cannot say there were any great tumults, yet there were seeds sown, which might have occasioned some, in the execution of the Order of the house touching Innovation: but I shall make a particular report of those parishes where they were at blows, and likely to come to blows, it the committee had not sought the prevention of it; which was the ground why the committee entertained their petition.—There was another like trouble and sign of tumult, by the frequent resort of Troopers to town, and to the committee: who delivered 30 several petitions to the committee, in their own names, and the names of other discontented persons in the army. We could not refuse to accept their petitions, lest they should grow to tumults; and of their complaints, and the nature of them, I shall give a particular report; but the committee did vote nothing concerning them. It will be very fit to resolve something concerning them, that they may depart the town, for, under the name of soldiers, many robberies are done; which occasioned the committee to give order, that all of them, that desire to have passes to go beyond sea, might have the same: but that would not serve their turn, unless they might have liberty to receive pay here, to go in companies, under conduct, to the service of forein princes, which the committee could not give way unto, in regard of the Ordinance of both houses to the contrary. There is another head the committee had in charge, concerning the King's Revenue: all we could do in that, which I did by the direction of the committee) was to take care for a balance touching the same: and accordingly I spake with the king's officers about it; and a balance will be ready when you please to call for it.—Next was, concerning the Exchange beyond sea. I think, for that, there will be a good return made for the benefit of the common wealth. Another thing was concerning the Irish Petitions, but the gentleman that used to be in the chair for Irish affairs, (Mr Whistler) was out of town, and had most of their petitions with him, so we could do nothing, only one Mr. Cope, and Mr Lumach, who had long attended, had their case made known to the committee, the one desiring to have two witnesses examined, upon a petition here depending, who are ready to go to sea; and the other, Mr. Cope, of English parents and born, has a petition for recovery of an estate of great value, which he conceives he hath been kept from him wrongfully; and desires that a committee may but consider of the depositions already taken, touching the same, in several courts of records, which if they find just cause for him to have relief, and matter of ground to proceed on his petition and suit, he will insist in petitioning the house.—The next thing in charge, was concerning Delinquents: in that we made but a small progress, for we had a declaration to prepare against my lord archbishop of Canterbury; but in regard the sense of the long robe of the committee were for the most part absent, we could not proceed therein.—Next there came to me, to my lodgings at Chelsea, sir John Berkeley and sergeant major O'Neil, who said they heard they were accused, and humbly withdrawn themselves; but, upon better consideration, they were returned to submit to the pleasure of the house. I thought it my duty to make some privy-councellor acquainted therewith, whereupon I went to my lord Wilmot with them, who undertook the humble attend the committee next sitting. Which they did accordingly and, in pursuance of the order and warrant of the house for the apprehending of them, they were both attached by the sergeant's deputy, so the house may be pleased to send for them, and to do therein as they see cause.—For the Letters last received out of Scotland from the committee; they spent no something intended to be done there

upon the persons of divers lords of Scotland and, in regard some of the parties, suspected to have a hand in that design, are suspected to be Papists, the committee did conceive they might have correspondency with the like party here; and therefore commanded me, yesterday, to write to my lord mayor of London, to place convenient guards in several places of the city, till he received further directions from the parliament, and likewise to the justices of peace for Middlesex, Westminster, and Southwark; and to observe such further direction as they should receive from the earl of Essex, who, in his majesty's absence, is appointed general on this side Trent.—I forgot to report one thing, That, upon Tuesday last was seven-night, the committee here agreed, and so ordered, That the committee in Scotland should, unless they see cause to the contrary, return home; and, lest our letters might miscarry, commanded me to send an express messenger to them, and I did so; and writ also, by the weekly post, of our Order, as also of the lords Order for their commissioners to come home. The party I sent, who was commended to me for a very honest man, should have been there on the Monday following, which he easily might have done, if he had been well; but on Friday last he was not come to Edinburgh, neither could he be heard of in all the road, so that we may justly fear some misfortune is befallen him; that he is knocked on the head, and his letters taken from him."

Upon this Report it was resolved, "That a conference be desired with the lords, concerning the security of the kingdom and parliament."—Resolved also, "That sir John Berkeley be sent prisoner to the Tower, and Daniel O'Neal to the Gatehouse."

The same day Mr Pym reported the heads for the said conference, as follows: "That the committee, in the first place, do conceive, that the Letter from the committee be read (dated 14to Octobris) at the conference: and that this house hath taken into consideration, 1. That when there was a design, somewhat of the same nature, in this kingdom, to seduce the king's army to interrupt the parliament here, there was the like design at that time in Scotland. Next, the principal party named in that design in Scotland, is a person suspected to be popishly affected; and therefore may have correspondency with the like party here. 3. That it hath been published here lately, that some things were to be done there, in Scotland, before it broke out there, therefore we may suspect some correspondency here so, upon these grounds, to propound, 1. That a strong guard be kept in the city of Westminster and London. 2. That care be taken for the future for the defence of the whole kingdom: but this in general. Next, that these two gentlemen, sir John Berkeley and serjeant-major O'Neal, did come in during the recess; and that the one is committed to the Tower, and the other to the Gatehouse; and therefore to desire their lordships, that they may be examined, according to the former manner for the examination of the other parties accused for the same crime, by the committee of the lords appointed for that purpose. Next, to let them know the garrison of Carlisle is totally disbanded; and that, of the garrison of Berwick, there remaineth only 5 companies of foot, all the horse being disbanded; and to acquaint them with his majesty's direction, sent by secretary Vane for the stay of those soldiers: and that the money designed for that service, to disband that garrison, was proportioned only until 15to Octobris, that the commonwealth should be at no further charge concerning the same, either for the men or shipping that are to stay there still; order being taken, and money sent down, for their disbanding 15to Octobris, according to the Treaty."

Oct. 21. The commons resolved, "That another head of the foregoing conference shall be, to move that an express messenger be sent to the committees of both houses in Scotland, to let them know, that the parliament takes well their advertisement; and that they conceive the peace of that kingdom concerns the good of this kingdom, and that, if there be any tumult to oppose the acts confirmed by both kingdoms, and his majesty will command any assistance to suppress them, both houses will be ready to maintain his majesty in his greatness, and to suppress those that are disturbers of the peace."

The Heads thus prepared for a conference, were afterwards communicated to the lords, who were very sensible of the matters to them reported; and, speedily taking the same into consideration, agreed to all the proposals made by the commons.

Bill to disable the Clergy from exercising any Temporal Jurisdiction.] Oct. 23. A bill "For disabling all persons in Holy Orders to exercise any Temporal Jurisdiction or Authority," was passed and sent up to the lords by sir Gilbert Gerrard, with a desire that it might be proceeded in with all expedition. The following is a copy of this extraordinary bill.—"Whereas Bishops, and other persons in Holy Orders, ought not to be intangled with secular jurisdiction, the office of the ministry being of such great importance that it will take up the whole man, and for that it is found, by long experience, that their intermeddling with secular jurisdiction hath occasioned great mischief and scandal both to church and state: his majesty, out of his religious care of the church, and the souls of his people, is graciously pleased, that it may be enacted, and by the authority of these presents, be it enacted, That no Archbishops or Bishops, or any other person that now is, or hereafter shall be in Holy Orders, shall, at any time after the 10th day of Nov. 1641, have any suffrage or vote, or use or execute any power or authority, in the parliament of this realm, nor shall be of the privy council of his majesty, his heirs or successors, or justices of the peace of oyar and

commissioner, or goal delivery, or execute any temporal authority, by virtue of any commission, that shall be wholly disabled and be incapable to have, receive, use, or execute any of the said offices, places, powers, authorities, and things aforesaid. And be it further enacted, That, from and after the said 10th day of Nov. all acts which shall be done by any archbishops or bishops, or other persons whatsoever in Holy Orders, and all and every suffrage or vote given or delivered by them, or any other thing done by them, or any of them, contrary to the purport and true meaning of this present act, shall be utterly void to all intents, constructions, and purposes."

Tumults and Disorders.] Great tumults and disorders were now on foot by the disbanded soldiers, who came in companies to the parliament house, and demanded their pay. The Trained Bands of Westminster attended all day in arms, in the Palace-yard, till both houses rose. Afterwards they received directions from the earl of Essex, lord-general in the king's absence, to divide their company into two parts, to the end that 100 might attend for the day, and be relieved by the like number at night. Many Orders are in the Journals of both houses about quelling the disbanded troops.

The King's Letter from Edinburgh.] Oct. 26 The lord keeper signified to the lords, that he had received a Letter from the king, written all with his own hand, which he read in haec verba —" My lord keeper, Since that, by the necessity of my affairs, I am detained here so long, that I cannot be down at the sitting of the parliament, I have thought fit, by these lines, to direct you to let both houses know in my name, that as this my long absence is beyond my expectation, so it is against my desire, and that I will make all the diligence that the weightiness of these affairs will possibly permit to return, and as I trust your assured friend, " CHARLES R.

" *Edinburgh, Oct 20, 1641.*"

Proceedings against Judge Berkeley.] This day sir Robert Berkeley, one of the judges of the king's-bench, was brought to the bar of the lords as a delinquent, when the lord keeper told him, " That he was now to hear the charge of High Treason, brought against him by the house of commons, read, to which the lords expected his Answer the ensuing." Which being read, he gave them humble but humble thanks for their justice to an inferior, to make his Answer, and acknowledged the justice of the house of commons, that they have desired he might make his Answer to their charge, and he proceeded against proceeding to law. Withal, he made it his humble request to their lordships, that they would permit him a little time now, to speak somewhat to the particulars of the charge; and, having obtained leave of the house so to do, he made a long speech on the particular Articles of his Impeachment, and concluded, that he is not guilty in manner or form as was laid against him in the said Impeachment. He then presented to the house the following Petition, humbly desiring their lordships to take the particulars into consideration.

> " To the right hon. the Lords assembled in Parliament, the humble Petition of Sir Robert Berkeley, knight, one of the Judges of his Majesty's Court of King's Bench.
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> " Your lordships having, as your petitioner conceiveth, appointed the 2nd of Nov. next for his trial, he most humbly prayeth, that your lordships would be pleased to grant unto him your lordships present warrant for such Writs as he shall have cause to use at his trial. That your lordships would be pleased to admit, and, if need be, to assign him counsel, for his necessary defence, in point of law, which may happen upon the matter of High Treason, of which he is impeached; and, in point of law and facts, upon the matters and misdemeanors, of which he is also impeached. That for the few days, till the time of his trial, he may remain in custody of the sheriff of London, where he hath been a true prisoner near three quarters of a year; in whose house all his collection and papers are for his defence and that he may have your lordships licence to go, with a keeper, to Serjeants'-inn, to look out some papers which he hath there, and shall have occasion to produce at his trial; as also there to confer or advise with such counsel, as your lordship shall think fit to admit or assign unto him. And your petitioner, &c. " ROBERT BERKELEY."

Hereunto were added the names of 8 lawyers to be assigned as counsel to the petitioner; but, before the lords gave any answer to it, it was first carried, That the bishops should not be present in the debate on the matter of High Treason, in this cause, but for misdemeanors they were to be admitted. After which, every Article which the Judge had petitioned for, was granted him, and a message sent upon to be sent down to the Commons, that he had pleaded Not Guilty to their Impeachment — Two days after, this trial was, at the instance of the house of commons, for want of witnesses, put off by the lords to an unlimited time.*

A Conference concerning the 18 Bishops, and a Bill for hearing causes of the Clergy in the House.] This day it was resolved by the commons, to have a conference with the lords concerning the Sequestering the 18 Bishops, accu-

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* Whitelocke says, " That Sir Robert Berkeley was a very learned man in the laws, and of a grave and active life, and unreprovable in his ways, except his desires of the court-favour: that he redeemed himself, afterwards, by supplying the parliament's occasions with ten thousand pounds, and ended his days in a private retirement; yet not without considerable gains by his chamber practice, and left a plentiful fortune to his family." Memorials, p. 39

sent by them, from their Votes in parliament Likewise to desire their lordships to sequester the rest of the bishops from their votes, upon the particular bill sent from that house, for the taking away of all their votes in parliament A select committee was named and ordered to prepare Heads for this Conference

Oct. 27. The lord privy-seal reported the conference yesterday with the house of commons concerning Bishops, as follows.

"Mr. *Pym* declared, from the house of commons, that there is nothing of greater importance to the safety and good of the kingdom, than that this high court of parliament, which is the fountain of justice and government, should be kept pure and uncorrupted, free from partiality and by-respects this will not only add lustre and reputation, but strength and authority to all our actions Herein, he said, your lordships are especially interested, as you are a third estate by inheritance and birthright, so the commons are publickly interested by representation of the whole body of the commons of this kingdom, whose lives, fortunes, and liberties are deposited under the custody and trust of the parliament He said, The Commons have commanded him, and his colleague, Mr Solicitor-General, to present to your lordships two Propositions, which they thought very necessary to be observed and put in execution at this time · 1 That the 13 Bishops, which stand accused before your lordships for making the late pretended Canons and Constitutions, may be excluded from their votes in parliament. 2. That all the Bishops may be suspended from their votes upon that bill intitled, 'An Act to disable all persons in Holy Orders to exercise any Jurisdiction or Authority Temporal.' The 1st of these was committed to his charge, and he said, he was commanded to support it with 3 reasons. 1st 'That the 13 Bishops have broken that trust to which every member of parliament is obliged; which trust is to maintain, 1. The prerogative of the king, 2. The privilege of parliaments. 3. The property of the subject 4. The peace of the kingdom. And this trust they have broken, not by one transient act, but by setting up Canons in nature of laws, to bind the kingdom for ever—That the Canons are of this nature appears by the votes of both houses; and that they were all parties to the making thereof, appears by the Acts of that Synod. The book itself the commons cannot tender to your lordships, because they sent for it, but he that hath the book in custody was out of town; but a member of their own house, upon view of it, is ready to depose, That their names were entered among those that did subscribe to it—Wherefore the house of commons desire your lordships, in the first place, to consider Whether they that take to themselves a legislative power, destructive to parliaments, be fit to exercise that power of making laws, which only belongs to the parliament 2dly, Whether it be safe for the commonwealth, that they should be trusted with making laws, who, as much as in them lay, endeavoured to deprive the subject of those good laws which are already made A third reason is this. That they stand accused of crimes very heinous; that is, of sedition, and of subversion of the laws of this kingdom. This will easily appear in the nature of the canons themselves, as also by the votes to which your lordships and the commons have already agreed [Here the Votes of both houses were read by Mr. Goodwin.] For the second Proposition, he said, That should be handled by one that will do it with more advantage of reason and learning than he could do, therefore he would leave to it him."

Then Mr *Solicitor General* (St. John) informed their lordships, "That the excluding of the Bishops from votes in parliament was not of so general consequence, as that, by it, the whole clergy of England were excluded. The first reason he offered was this, That the Bishops did not vote for the whole clergy; for that it it should be so, then the clergy of England would be twice represented and twice voted for in parliament. 1. This appears by all the antient writs of Summons; which, till of late, were to this effect a writ of Summons went to the bishop commanding him summonire all the clergy of his diocese to appear by proxies of their chusing What to do? 'Ad consentiendum iis quæ de communi concilio regni ordinari contigerit' So that if the bishops do represent the clergy, then the clergy are twice represented; first by the proctors, and again by the bishops Now, although the form of the writs be altered, yet the reason holds, and still remains 2 If they vote for the clergy, then they are to be elected by the clergy, as the members of the commons house now are; but your lordships, voting only for yourselves, need no election. 3. If they voted for the clergy as a third estate, then it would follow that in act of parliament could be good where they did dissent, but many acts of parliament are passed, where all the clergy dissented and the last, he said, that came to his memory, was the statute of 1 Eliz establishing the Book of Common Prayer, to which all the bishops did dissent. The entry in the roll is, 'Dissentientibus Episcopis', and yet that statute is holden for a good law to this day. This was offered to shew, That it might not be conceived, that the denying the bishops to have votes in this bill now before your lordships, was of such general influence as to take from the clergy any interest or privileges that formerly belonged to them In the second place, he said, He was to present the sense of the whole house of commons to your lordships, That the prelates have not so absolute a right of peerage for voting in parliament, as the temporal lords have out of parliament. This appears by that instance of highest consequence, that they are not tryable by their peers for their lives, but by an ordinary jury. In parliament they have no vote in judgment of blood, life, or member· but if their peerage were so inherent in them as [illegible] [illegible]

in the temporal peers, no ecclesiastical canons could take it from them. Besides, in point of right, it hath been resolved by all the judges of England, 7 Hen 8. in Keilway's Reports, 'That the king may hold his parliament by the lords temporal and commons, without calling of the bishops, and that, upon several occasions, especially concerning the Pope or themselves, the Bishops have been excluded, and their votes not admitted herein.' He said, he was commanded to offer some precedents to your lordships upon the sudden In the parliament of 25 Edw. I the Bishops refused to join with the lords and commons in granting of Subsidies for the good of the kingdom. This was holden at Bury, and, exclusō Clero, many acts were then made, never since questioned. In 35 Edw I. at the parliament at Carlisle, divers petitions were there exhibited by the commons concerning the prelates and lord abbots, for oppressing the poor clergy, and several acts were made for their relief But by whom? by the king, earls, barons and other nobles, and the commons only Now, in respect the several ranks of the nobility are named, it is evident the bishops did not consent; because not, in all other acts where they do consent, they are particularly named And if it be objected, 'That they might be there and might give a negative, and therefore were not named among them that did consent;' it appears, that habito Tractatu cum Comitibus, Baronibus, & ceteris Communitatibus, the king did enact those things, and never called the Bishops to the debate. This appears in the Parliament-Roll—In 20 Edw 3. the commons petition that no allowance be made to the cardinals that had been in France for treating of peace In the roll it is thus entered, 'Assented unto as reasonable by the dukes, earls, barons, and other the lay gentz,' without ever naming the bishops Now these words 'other lay gentz,' shew that the bishops were none of the number that voted in that law And it is to be noted, That in acts, where the particular ranks are set down, none of the temporal ranks have ever been omitted; and if the spirituality had voted, they should have been named, though in vote they had dissented. Eodem Anno, there being two other several acts made upon petitions of the commons, the one against Provisions as to some cardinals, and the other to restrain the carrying of money in Rome; the answer is made as before, by the dukes, earls, barons, and commonalty, never mentioning the lords spiritual. In 3 Rd 2. cap 3 and 7 Rd. 2. cap 12 there are, in print, acts made by the king and lords temporal only, without the lords spiritual. The statute of 7 Rd. 2 recites the former statute of 3 Rd 2. which said, 'Our lord the king by the advice and common assent of all the lords temporal, and commons being in this parliament assembled, hath ordained', it sequitur in the act And these acts made by the king, the lords temporal and commons only, were upon the clamorous complaints of the commons, about the giving of the benefices of England to strangers and others, who never were resident upon their benefices."

This Report being made, the lords took the same into consideration; and, for the better debate thereof, the house was adjourned unto a committee during pleasure. And the question being put, Whether those 13 Bishops, that are impeached of crimes from the House of Commons, should be suspended from their votes in that house, whilst they stand recti in curia? a long debate ensued, which ended with an order, "That the further consideration of this matter, and the Exclusion-Bill, should be referred to the 10th of Nov."

Oct 28 A select committee of the commons was chosen to prepare, out of the whole debate which happened this day, a Petition to be presented to his majesty, To prevent the mischiefs that may happen to the commonwealth, by the choice and employment of evil counsellors, ambassadors, judges, officers, and other ministers of state.

Mr. Smith's Speech concerning the Distractions of the Time.] We meet with the following speech in the house of commons, made by one Mr *Smith*, dated this day, occasioned by the distracted state of these Times.* 'Mr Speaker, The last time we assembled we sat like a college of physicians, upon the life and death of three great patients, whose bleeding hearts lay prostrate before us; and were arrived at that critical minute, either to receive relief or eternal destruction. The three unfortunate nations were presented to us in all their distractions; and grown to such a superlative height in their misery, that, like nursing-mothers bereaved of their tender infants, they were careless of what might happen to them, Quas perdiderant libertates. These three kingdoms, whose peace and amity filled the remaining World with envy and emulation; and were like that happy trinity of faith, hope, and charity, in a perfect union, had now their swords edged to each other's confusion. O, Scelus hominum; Height of impiety? Ked ei Teκνον! said Cæsar in the senate: It was not his death that grieved him, but that his son should advance his hand to his slaughter. How many sons and Nero's had we, whose earnest endeavours were to rip up their mother's womb, and, like vipers, eat through her bowels, and to lay desolate their father's house!

'Quis tuba fando,
Temperet à lachrymis?'—

And yet all this had been but a prologue to our Tragedy, had not God Almighty been pleased to interpose his hand; to have been a pillar of fire betwixt us and our captivity, and to have wrought our deliverance by his great instrument the parliament, whose constant labour it hath been, for the year past, to create

* It is intitled, 'An honourable Speech in Parliament, Oct. 28, 1641, by Master Smith of the Middle Temple, Printed for William Lowndes.'

a true understanding and firm peace between the nations; which I hope is so accomplished, that it is not in the power of the devil, or all his works, ever to dissolve it. This, I say, was the work of our last sitting. Give me leave now, sir, I beseech you, to deliver what I conceive convenient to be in the 1. To give God his due. 2. To establish the Rights between king and people. And, 3. To compose things amongst ourselves.—That first, we may give God his due, we must advance his worship, and compel obedience to his commands, wherein he hath been so much neglected. Honour and riches have been set up for gods, in competition with him. Idolatry and superstition have been introduced, even into his house, the church and he expulsed. His name hath been blasphemed, and his day prophaned, by the authority of that unlawful Book of Sports, and those, who would not tremble thus to dishonour God, would not scruple to do it to their parents, or injure their neighbours, either by murder of them, or by adultery. David's great crimes. They have not only robbed God of his honour, but man of their estates, and part of themselves, members and ears having been set to sale, even to the deforming that creature whom God had honoured with his own image. That they might colour this their wickedness, perjury and false testimony have been more frequent with them than their prayers: and all this proceeded out of an inordinate desire of that which was their neighbour's, and thus God, in all his commandments, hath been abused. Can we then wonder at his judgments, or think he could do less than he hath done to right himself upon such a rebellious people?—I beseech you, Sir, let us do something to set him in his throne, and worship him all with one mind; and not that every one shall go to God a way by himself. This uncertainty staggers the unresolved soul, and leads it into such a labyrinth, that, not knowing where to fix, for fear of erring, it adheres to no way, so it dies ere it performs that for which it was made to live. Uniformity in his worship is that which pleaseth him; and, if we will thus serve him, we may expect protection from him.—The next thing that I conceive fit to be consulted is, 'To cause the rights both of the king and people truly to be understood.' And, in this, to give that authority to the prerogative which legally it hath, and to uphold the subjects liberty from being mulcted into servitude.—That the king should have a prerogative, is necessary for his honour, it distinguishes him from his people; but, if it swells too high, and makes an mundanum upon his subjects liberty, 'tis no longer then to be styled by that name. The privilege of the subject is likewise for his majesty's honour. King David gloried in the number of his people, and queen Elizabeth delivered, in a speech in parliament, 'That the greatness of a prince consisteth in the riches of his subjects,' intimating, That then they stood like lofty cedars about him, to defend him from the storms of the world, and there was ample

demonstrations of this in that renowned queen's reign. But what encouragement can they have, either to increase their numbers or estates, unless they may have protection both for themselves and estates? Therefore the privilege and greatness of the subject are, relatively, for the honour of the prince. Prerogative and liberty are both necessary to this kingdom; and, like the sun and moon, given leave to this benighted nation, so long as they walk at their equal distances but when one of them shall venture into the other's orb, like those planets in conjunction, they then cause a deeper eclipse: what shall be the compass then by which these two must steer? Why, nothing but the same by which they subsist, the law; which, if it might run in the free current of its purity, without being poisoned by the venomous spirits of ill-affected dispositions, would so fix the king to his crown, that it would make him stand like a star in the firmament, for the neighbour-world to behold and tremble at.—That they may be the better acted, I shall humbly desire, that, after so many times, that great Charter, the Light of the Law, may be reviewed; the Liberty of the Subject explained, and be once more confirmed, Penalties imposed on the breakers; and let him the with the bargain that dares attempt the act.—The last thing that falls into consideration, is, 'To set things right amongst ourselves, the subjects of England.' And, in this, so to provide, that the Mecænas's of the times may not, like great jacks in a pool, devour their inferiors, and make poverty a pavement for themselves to trample on. This hath been a burthen we have long groaned under, for if a great one did but say the word, it was sufficient to set my right, even from my own hir rance. They had both law and justice so in a string, that they could command them with a nod, and thus people have been disinherited of their common right, the law, which is as dear to them as the air they breathe in.—On the other side, we must take care, that the common people may not carve themselves out justice, by their multitudes. Of this we have frequent experience, by their breaking the inclosures, and by raising other tumults to ill purposes; which if they be not suddenly suppressed, to how desperate an issue this may grow, I will leave to your better judgments. My humble motion, therefore, is, That an intimation may go forth into the country, to wish those that are injured to resort to the course of law; and, if there they fail of justice, a parliament they may be confident to redress it.'

Oct. 29. At this time there being a vacancy in the church, of 5 Bishops Sees; and the king purposing to fill them up at his return, a motion was made in the commons, That a conference should be had with the lords, to desire them to join with that house in a Petition to his majesty, to stay the making of these 5 Bishops, until further consideration be had with both houses about it. A debate arising on this, the house divided, when it was carried for a

[illegible] the votes of [illegible] that question [illegible]

conference, 71; against it, 53; and a committee was appointed accordingly.

Conference concerning the Safety of the Prince, &c.] Oct. 30. The house of commons sent up a message to the lords to desire a present conference touching the Safety of the kingdom, and the Security of the Prince's Person. The lords agreed to this conference; and, being returned from it, the lord keeper reported the substance of it to the lords, to this effect.

"That the house of commons were full of tenderness for the king's honour, and duty to the king's person and his posterity. It was said, that it was no news now-a-days, to hear of dangerous designs, therefore the house of commons have reason to look into every corner whence danger may come. And, upon information, that house understands that the Prince, of late, hath been much from his house, at Oatlands, out of the custody of his governor. They do not doubt of the motherly affection and care of the queen towards him; but there are dangerous persons at Oatlands, Priests and Jesuits, as hath of late appeared by some examinations taken, and that some of them were sent for by the house of commons. Upon these reasons that house desires that a message may be sent to the marquis of Hertford, from both houses, that he would, forthwith, take the Prince into his custody and charge, and attend upon him in person; and to desire that the prince would make his ordinary abode and residence at his own house, at Richmond: and that his lordship would place such persons about him as he will be answerable for to both houses."

Hereupon the lords, taking this Report into consideration, resolved to send the marquis of Hertford and the earl of Holland, to acquaint the Queen with it, and present to her majesty the Reasons wherefore and for it. They then made the following order, which was agreed to by the commons, and sent to the marquis:

"The desires of both houses of parliament are, That the lord marquis of Hertford, governor to the prince, will take care that his ordinary residence in future be at his own house, and that no such person, as may give cause of distrust of meddling with him, either in any point against his religion, or against the security of his person, be admitted about him; and, to this purpose, that the said marquis do diligently attend him in person, and this care both houses expect that his lordship will take, as he will answer it to the king and kingdom."

The Queen returned for Answer, "That she gave the parliament thanks for their care of her son. The occasion why she sent for him, was to celebrate the birth-day of one of his sisters; but that he should be presently sent back to Richmond." And added, "That she made no doubt but, at the king's return, the parliament would express the same care of his majesty's honour and safety."

A Committee of Lords acquaint the Commons with the Rebellion in Ireland.] Nov. 1. This day the lord keeper, the lord privy seal, the earl marshal, the lord admiral, the lord chamberlain, the lords of Bath, Dorset, Leicester, Warwick, Holland, Berks, and Bristol, with the lords Say and Sele, Mandeville, Goring, and Wilmot, all lords of the privy council, came into the house of commons, and informed the members of certain Intelligences which were lately come, of a great Treason and general Rebellion of the Papists in Ireland, and a design of cutting off all the Protestants there, and seizing of all the forts in that kingdom. The Letters and Examinations that expressed the nature of these Treasons, were all read publicly in the house, in presence of the said lords, who had chairs set on purpose for them; and after they had been there a little while, Mr. Speaker desired them to sit and be covered. These Letters and Examinations are entered at length in the Lords Journals for this day: but as they are too long for our purpose, we shall omit them; and only give the Resolutions of the commons on this important occasion.—On the lords withdrawing, the commons went immediately into a committee to take this affair into consideration, and to provide for the safety of both kingdoms; and, after some time spent therein, it was resolved, "That 50,000*l.* be forthwith provided: that a conference be desired with the lords, to move them, that a select committe of both houses may be appointed to go to the city of London, and acquaint them with the business in Ireland: and that the lending of money at this time will be an acceptable service to the common-wealth: to propose unto them the loan of 50,000*l.* and assure them that they shall be secured, both for principal and interest by act of parliament. That another end of this conference shall be to desire the lords that a select committee of both houses may be named, to consider of the Affairs of Ireland, and of the raising and sending of men and ammunition thither from hence: a Declaration to be sent into both houses to be sent into England: and that this committee may have power to examine such parties as come from thence, or go from hence thither. That Owen Connelly, who discovered the great Treason in Ireland, shall have 500*l.* present paid him, and 200*l.* per annum pension, until provision may be made of his estate, of greater value; and to be recommended to the lord lieutenant there for some preferment. That the persons of Papists of quality may be secured, in the several countries of this kingdom where they reside, and that such English Papists as have, within one year last past, removed themselves into Ireland, except such persons as have ancient estates and habitations there, may, by proclamation, be recalled, within one month after the publication of it in that kingdom; or else some course be taken, by act of parliament, to sequester their estates."—There were some other Resolutions made, relating to the dissolution of the Capuchin House in the Strand: to desire that the Ambassadors may be sent to, to declare up such Priests, as are the king's subjects, in their houses: that a list may be

brought in of the queen's Priests, and other her servants, with those of the Prince, and all such as are about the king's children. A Proclamation, commanding all strangers, that are not Protestants, to deliver in tickets of their names, within two days, or else to depart the kingdom. All Inn-keepers, and others that entertain lodgers, to give in tickets of the names of all such as lodge in their houses, to the lord mayor and aldermen of London, or to the next justices of peace in Middlesex, &c. All which Resolutions were agreed to by the lords at the conference

A Member expelled for selling Protections.] Nov 2 The commons expelled Mr. Henry Benson, member for Knaresbrough, for granting and selling Protections, and a writ was ordered to chuse a new member in his room.

Proceedings relating to the Irish Rebellion.] Nov. 3. Several Orders were made, by both houses, relating to the Irish Rebellion, and a Letter ordered to be written to the king in Scotland, pressing his speedy return to this kingdom. The houses meet with some reluctancy, in the city of London, concerning the Loan of 50,000*l.* as demanded. The commons order 20,000*l.* to be forthwith had out of the ready money in the treasury; and vote that 6000 foot and 2000 horse, be speedily raised and transported into Ireland that a convenient number of ships shall be provided to guard the Irish coasts, and that magazines of victuals, &c. shall be placed in the several ports of this kingdom, ready for transporting to Ireland; with other articles of the like nature to all which the lords agreed

Instructions from the Parliament to their Commissioners in Scotland.] Nov 10. The commons went upon two great points, the framing of new Instructions to be sent to their Commissioners in Scotland, and preparing a Declaration, or Remonstrance, of the State of the kingdom. The Letter of these was read the first time, in the commons, the day before, when several more Grievances were given in, and ordered to be added to it and the Instructions were reported to the house of lords as follows.

I. You shall humbly inform his majesty, that the Propositions made to the parliament of Scotland, concerning their assistance for suppressing the Rebellion in Ireland, hath been fully considered and debated by both house of parliament here, and their wise and brotherly expressions and proceedings are apprehended and entertained here by us, not only with approbation, but with thankfulness: wherefore we desire that his majesty will be pleased, that you, in the name of the lords and commons of England, give public thanks to the states of the parliament of Scotland, for their care and readiness to employ the forces of that kingdom for the reducing the rebellious subjects of Ireland to their due obedience to his majesty and the crown of England. II. You shall further make known to his majesty, that (in the great and almost universal revolt of the natives of Ireland, cherished and fomented, as we have cause to fear, by the secret practices and encouragements of some foreign states, ill affected to this crown; and, that the Northern parts of that kingdom may with much more ease and speed be supplied from Scotland than from England) we humbly desire and beseech his majesty to make use of the assistance of the parliament and subjects of Scotland, for the present relief of those parts of Ireland which lie nearest to them; according to the Treaty agreed upon, and confirmed in both parliaments, and their affectionate and friendly disposition now lately expressed, as is more particularly specified in the 5th Article. III. You shall present to his majesty the Copy inclosed of the Declaration, which we have sent into Ireland, for the encouragement of his good subjects there, and for the more speedy and effectual opposing of the rebels, and, in execution and performance of our expressions therein made, of zeal and faithfulness to his majesty's service, we have already taken care for 50,000*l.* to be presently borrowed and secured by parliament we have likewise resolved to hasten the earl of Leicester, lord lieutenant of Ireland, very speedily to repair thither; and forthwith to raise a convenient number of horse and foot, for securing Dublin and the English pale, with such other parts as remain in his majesty's subjection, intending to second them with a far greater supply. IV. We have further ordered and directed, That his majesty's arms and munition lying in the city of Carlisle, shall be transported into the north parts of Ireland, for the supply of Carrickfergus, and other his majesty's forts and garrisons there; and that a convenient number of men shall be sent from the north parts of England, for the better guard and defence of those forts and countries adjoining; and that a large proportion of arms and other munition shall be speedily conveyed, out of his majesty's stores, to West-Chester, to be disposed of according to the direction of the lord lieutenant of Ireland, for arming the men to be sent from England, and such other of his majesty's loyal subjects as may be raised in Ireland. V. And because we understand that the rebels are like, with great strength, to attempt the ruin and destruction of the British plantation in Ulster, we humbly advise his majesty, by the counsel and authority of his parliament in Scotland, to provide, that one regiment, consisting of 1000 men, furnished and accomplished with all necessary arms and munition, as shall seem best to their great wisdoms and experience, may, with all possible speed, be transported into Ireland; under the command of some worthy person, well affected to the reformed religion, and the peace of both kingdoms, and well enabled with skill, judgment, and reputation for such an employment; which forces we desire may be quartered in those Northern parts for the opposing of the rebels, and comfort and assistance of his majesty's good subjects there; with instructions from his majesty and

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the parliament of Scotland, that they shall, upon all occasions, pursue and observe the directions of the lord lieutenant, his lieut. general, or the governor of Ireland, according to their authority derived from his majesty and the crown of England. VI. And, as touching the wages and other charges needful, which this assistance will require, we would have you, in our name, to beseech his majesty to commend it to our brethren, the estates of the parliament of Scotland, to take it into their care, on the behalf of his majesty and this kingdom, to make such agreements with all the commanders and soldiers to be employed, as they would do in the like case for themselves; and to let them know, for our parts, we do wholly rely upon their honourable and friendly dealing with us, and will take care that satisfaction be made accordingly. VII. You shall represent to his majesty this our humble and faithful Declaration, that we cannot, without much grief, remember the great miseries, burthens, and distempers which have, for divers years, afflicted all his kingdoms and dominions, and brought them to the last point of ruin and destruction; all which have issued from the cunning, false, and malicious practices of some of those who have been admitted into very near places in counsel and authority about him, who have been fomenters of popery, superstition, and innovation; subverters of religion, honour, and justice; actors for promoting the designs of foreign princes and states, to the great and apparent danger of his royal person, crown, and dignity, and of all his people; authors of false scandals and jealousies betwixt his majesty and his loyal subjects; enemies to the peace, union and confidence between him and his parliament, which is the surest foundation of prosperity and greatness to his majesty and of comfort and hope to them: that, to their counsels and endeavours, those great sums which have been lately drawn from the people, have been either consumed unprofitably, or in the maintenance of such designs as have been mischievous and destructive to the state; and whilst we have been labouring to support his majesty, to purge out the corruptions, and restore the decays both of church and state; others, of their faction and party, have been contriving, by violence and force, to suppress the liberty of parliament, and endanger the safety of those who have opposed such wicked and pernicious courses. VIII. That we have just cause to believe, that those conspiracies and commotions in Ireland, are but the effects of the same counsels; and if persons of such aims and conditions shall still continue in credit, authority, and employment, the great aids which we shall be enforced to draw from his people, for subduing the Rebellion in Ireland, will be applied to the fomenting and cherishing of it there, and encouraging some such like attempt by the Papists and ill-affected subjects in England; and, in the end, to the subversion of religion, and destruction of his loyal subjects in both kingdoms; and do therefore most humbly beseech his majesty, to change those counsels from which such ill courses have proceeded, and which have caused so many miseries and dangers to himself and all his dominions, and that he will be graciously pleased to employ such counsels and ministers, as shall be approved of by his parliament, who are his greatest and most faithful council; that so his people may, with courage and confidence, undergo the charge and hazard of this war, and, by their bounty and faithful endeavours, with God's blessing, restore to his majesty and this kingdom that honour, peace, safety, and prosperity, which they have enjoyed in former times.—And if herein his majesty shall not vouchsafe to condescend to our humble supplication, although we shall always continue, with reverence and faithfulness to his person and to his crown, to perform those duties of service and obedience, to which, by the laws of God and this kingdom, we are obliged, yet we shall be forced, in the discharge of the trust which we owe to the state, and to those whom we represent, to resolve upon some such way of defending Ireland from the rebels, as may concur to the securing ourselves from such mischievous counsels and designs, as have lately been and still are in practice and agitation against us, as we have just cause to believe; and to commend those Aids and Contributions, which this great necessity shall require, to the custody and disposing of such persons of honour and fidelity as we have cause to confide in."

Mr. Pym's Speech, concerning the Danger of evil Counsels.] When these Instructions were read at the conference,

Mr. *Pym* proceeded in explaining to the lords the several steps, as they are there called, by which Evil Counsels became dangerous. 1. "That the Dangers which come to the state by ill Counsels, are the most pernicious of all others: and since it is usual to compare politic bodies with natural; the natural body is in danger divers ways, either by outward violence, that may be foreseen and prevented; or else, by less appearing maladies which grow upon the body by distempers of the air, immoderate exercise, diet, &c. and when the causes of the disease are clear, the remedy is easily applied; but diseases which proceed from the inward parts, as the liver, the heart, or the brains, the more noble parts, it is a hard thing to apply a cure to such diseases. Ill counsels are of that nature, for the mischiefs that come by evil counsel corrupt the vital parts, and overthrow the public government.—2. That there have been lately, and still are, ill counsels in this kingdom, and about the king. That there have been lately, you will not deny it, when the main course of the government hath been to employ, as Popery thereby hath been maintained, the laws subverted, and no distinction between justice and injustice: and that there are ill counsels still, is apparent by the courses taken to advance mischievous designs, but that his majesty's wisdom and goodness kept

them from the heart, though they were not kept out of the court so most principal and mischievous designs have been practised by such as had near access into his majesty's, though not to his heart, and the apologists and promoters of ill counsel are still pickered—5. The ill counsels of this time are, in their own nature, more mischievous and more dangerous than the ill counsels of former times: former counsels have been to please kings in their vices, from which our king is free, and sometimes for reaking of the prerogative: but had gone no further it had brought many miseries, but not ruin and destruction: but the ill counsels of this time are destructive to religion and laws, by altering them both; therefore more mischievous, in their own nature, than those of former times.—4. That these ill counsels have proceeded from a spirit and inclination to Popery; and have had a dependance on Popers, and all of them tend to it. The religion of the Papists is a religion incompatible with any other religion, destructive to all others, and doth not endure any thing that opposeth it. Whosoever doth withstand their religion, if they have power, they bring them to ruin. There are other religions that are not right, but not so destructive as Popery; for the principles of Popery are destructive of all states and persons that oppose it. With the progress of this mischievous counsel they provide counsellors, fit instruments and organs, that may execute their own designs; and so turn all counsels to their own ends: and you find, now in Ireland, that those designs, that have been upon all the three kingdoms, do end in a war, for the maintenance of Popery in Ireland, and would do the like here if they were able; so intent are they to turn all to their own advantage.—5. That unless these ill counsels be changed, it is impossible that any assistance, aid, or advice that the parliament can take to reform, will be effectual; for the public orders and laws are but dead, if not put in execution. Those that are the ministers of state put things into action; but if acted by evil men, and while these counsels are on foot, we can expect no good, it is like a disease that turns nutritives into poison.—6. That this is the most proper time to desire of his majesty the alteration and change of the evil Counsellors, because the common wealth is brought into distemper by them, and so exhausted that we can endure no longer. And the reason why we cannot admit of them, is, to shew our love and fidelity to the king in great and extraordinary contributions and aids. When God doth employ his servants, he doth give some promise to rouse up their spirits; and we have reason now to expect the king's grace in great abundance. This is the time wherein the subjects are to save the kingdom of Ireland, with the hazard of their lives and fortunes; and therefore expect it from his majesty in a more large and bountiful manner than at other times. A time of great agitation and action, their state being ready, by preparation, to annoy us, ill and false counsels at home may quickly bring us to ruin. As we know weakness at home, so we ought to discern actions abroad, where great provisions are made: and a carelessness and inadvertency herein, when our neighbours are so provided and have great fleets at sea, will open a way to sudden ruin and destruction, before we can be prepared: and therefore it is now the best time to move the king.—7. and lastly, 'That this information of counsels will bring great advantages to the king in his own designs. For all our actions, our prayers to God should be, that his name may be glorified, so our petitions to his majesty should bring honour, profit, and advantage to him, by a discouragement to the rebels, a great part of their confidence resting in the evil counsels at home, as by the examinations appeareth. It will be a great encouragement to the king's good subjects at home, who hazard their lives, and give aid and contribution, to have things governed for the public good. It will make men afraid to prefer servants to the king that are ill counsellors, when they shall come to the examination of the parliament; for many times servants are preferred to princes for the advantage of foreign states. This will put an answer into the king's mouth against all importunities, That he is to prefer none, but such as will be approved of by parliament. Those that are honourable and most ingenuous are aptest to be troubled in this kind, and not to deny therefore the king may answer, 'He hath promised his parliament not to admit of any, but by advice of parliament.' This will silence them all. These are domestick advantages: but it will also make us fitter to enter into union and treaty with foreign nations and states, and to be made partakers of the strength and assistance of others: it will fortify us against the designs of foreign princes. 'There hath been one common counsel at Rome and in Spain, to reduce us to Popery, if good counsel at home, we shall be the better prepared to preserve peace and union, and better respect from Ireland. It will also make us fit for any noble design abroad."

Sir W. Drake's Speech on the same Subject.] Previous to this Conference about evil Counsellors, &c there had been a debate in the house of commons, this day, on the same subject, in which we had a speech of

Sir *William Drake*, member for Agmondesham, as follows: "Mr Speaker; If we consider those dangerous disturbances that this kingdom hath, of late years, laboured under, 'tis certain that, in a general and original consideration, we cannot but impute them to the wrath of God, for the sins of this nation; but, in a second and more particular consideration, we may properly ascribe them to the violent Counsels of some late ministers of state; who, either for want of counsel, or by malicious practice, have brought this state, from a happy, firm, and strong constitution, to so weak and

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* London, printed by Wm. Lowndes, 1641

...ble a temper, that the great physician, the ...liament, cannot, but with extreme difficulty, ...ply remedies fit and proportionable to the ... without they inevitably run some ha... of endangering the body itself it being ... perilous to apply stronger remedies than ... strength and constitution of the patient can ...well bear.—Mr. Speaker, you were [illegible] ... a grave and worthy member (Sir D. Rat... and) at the beginning of this parliament. That it must be some extreme necessity that would rectify and recover this state, and in ... when that extremity did come, it would be ... great hazard whether it might prove a remedy ... a ruin, because violent diseases do most commonly require violent remedies, and violent remedies are ordinarily pregnant of new mischiefs, which hath caused those states best skilled in government, always to discern evil afar off in their causes; and, by their wisdom and foresight, to prevent them. I am confident, had we had frequent parliaments, we should have given a timely stop to mischiefs, and never have suffered them to have broken in upon us with such an inundation of distempers that, without divine preventions, may yet swallow us up.—Mr. Speaker, it is observed in the Roman Senate, a pattern of best government, so long as they held up their first virtue and valour, that, after a great defeat by Hannibal, their confederates began to forsake them. But Hiero, king of Sicily, having sapiencing a judgment, that he could see through the present to the future; and observing the Romans still so considerate and constant in all their proceedings, even in the extreme exigency of their affairs; and that their laws were ever more strictly observed by their magistrates, nor their people more obedient to their senate or parliament; and how their military discipline was never, likewise, more severely observed: this wise prince, seeing their institutions stood thus firm, sent them presents of great value, and corresponded with them in a stricter league of friendship than ever before.

But unlike a good physician, who, seeing favourable symptoms in the strength of his patient's disease, conceives firm hope of his perfect recovery.—Now, Mr. Speaker, if we set before us an image or representation of these distempers we stand environed withal, there could not possibly be that extreme danger in them, but that there might be good hopes of a speedy recovery, had we kept ever and constant to those grounds of religion, laws and military discipline, which have been united by the wisest legislators, to have been the main cause, next under God, of the strength and duration of a state.—But, sir, if we examine it, how have our very foundations been shaken? What superstition and innovations have been brought in upon our religion, of late times, by ambitious, bloody, and passionate men? And from this fountain, originally, as I conceive, flows most part of our present distractions. Queen Elizabeth, of sacred and precious memory to this nation, keeping stedfast and constant to this ground of religion, kept this kingdom peaceable and united at home; afforded a comfortable influence and assistance to the Protestant parties abroad; and, after a long and happy reign went unto her eternal rest in Glory.—And truly, sir, I speak it with all humility, yet with some confidence, that I shall never expect to see the quiet settled state of this kingdom, till there be some course taken to settle Religion to some rule and uniformity, and not to be thus subject to an uncertain conflict between illegal innovations and superstition on the one side, and I know not what licentious and irregular confusion on the other.—And first of all, I beseech you, calmly and seriously consider, how natural a motion it is to most men, not limited by some law, when they are come out of one extreme, whereon they have been held by fear, to run with as violent a course into another; from superstition and idolatry, to irreverence and contempt of God's public worship and ordinances.—For our Lives Mr Speaker, how have they been violated by illegal taxations, imprisonments, monopolies, and other pressures, whereby the subject hath been prosecuted and grieved? But this is so obvious to every man's understanding and sense, that I shall not insist upon it.—Mr Speaker, I come next to our Military Discipline, and how hath this ground of strength been shaken, partly by the loss of able and experienced commanders in fruitless, if not dangerous, attempts abroad; and partly by neglect, and not duly keeping up our musters at home? Mr Speaker, every man may lay it to heart as he pleases, but I shall be bold to tell you, that all the laws, that we have or shall make for the defence of our religion or liberties, without provident care in this particular, will be but like to sumptuous and glorious structures without roof or covering, subject to all weather and storms that shall arise, and whatever parliaments shall, with great wisdom and providence, plant for the good estate of future times, without due provisions for our Military Defence, may be subverted again by the violence and malice of a stronger hand.—Therefore, Mr. Speaker, as you have taken a prudent care for the securing of the havens and port-towns, so I desire there may be timely consideration had of the inland strength of the kingdom; and that in shires, in all counties of the kingdom, be carefully especially in these perilous times kept up, and that care be taken that every county may have a sufficient proportion of powder, and other provision, for their necessary defence. That all commands may rest in faithful hands and that certificates of the true state of all things, how they stand for defence, may, from time to time be sent either to the council of war you appoint for Ireland, or to any other whom the parliament shall think meet, and then upon to take order, from time to time, to supply all defects, as well of captains, as of munition, powder, and other necessaries.—Mr Speaker, this point is more

timely to be had in consideration, because our parts will increase, as foreign states settle and compose their affairs to their best advantage and therefore I shall desire that our quietness may not rest any longer upon so tickle a ground as the uniqueness of our neighbour kingdoms; for no state stands firm and secure, but upon its own foundations.—There is one thing more with which I will conclude; and I shall humbly represent it as, in my weak opinion, a great cause of our growing distemper this is the abundance of humours we have stirred, and not purged away, which are but fit fuel for fresh fire to take hold of, if it should burst forth, therefore as there be great numbers in this state. 'Qui parci, a calamitate publica, imminutam sibi spondent,' I shall make it my humble motion and desire, That we make severe examples of some few of the most capital offenders, and either pardon the meaner delinquents, if justice will admit thereof, or at least to let them, in some reasonable time, know what they may trust to; otherwise as many as lost desperately upon their own fortunes, will be too ready to give their vote for troubles, and seek their own peace in the public disturbance, the number of whom, as I conceive, should be warily prevented, especially in these times of increasing distraction.—Sir, I have troubled you too long, and am not so inconsiderate but to object to myself, that some things are of more instant and present consideration than any thing I have touched upon; as your sending provisions for Ireland but I desire, as those affairs are in some measure settled in a way, we may timely apply ourselves to the root and causes of our distempers, begin with those of most importance, and so proceed with them to effect."

Progress of the Rebellion in Ireland.] Nov. 11. This day a Letter was read in the lords, from the Council of Ireland, shewing, That the Protestants there would be utterly destroyed, and that kingdom cut off from the crown of England, if present supply of men, ammunition and money were not sent from hence that the rebels proceeded in their rebellion, and had seized on the houses, estates and persons of divers men and women of good quality, and have murdered many that they are gathering in several parts of Ireland, to the number of 30,000, and threaten that they will not leave an English Protestant there, and that they will not lay down their arms, until an act of parliament be passed for freedom of their religion that the Council desire a speedy Supply of 10,000 men with arms, and 100,000*l.* in money.

Nov. 12. Several Resolutions were passed, in both houses, on this intelligence, the number of forces to be sent were augmented to 10,000 foot and 2000 horse, likewise the parliament of Scotland were to be desired to have in readiness 20,000 men more, to be transported to Ireland, if occasion. The letter from thence was ordered to be communicated to the city of London, and to the twelve [illegible] printed and published. The house of commons voted, that 200,000*l.* should be raised for the suppressing this Rebellion, for the security of this kingdom, and for the payment of debts.

The Impeached Bishops put in their Plea.] The same day the commons received a message from the lords, importing, That this being the day for the 13 Bishops to give in Answers to their Impeachment, 12 of them had given in a plea and a demurrer, but that Godfrey, bishop of Gloucester, had pleaded not guilty, in mullo & forma.

The Londoners agree to lend Money on certain Conditions.] Nov. 14. A Report was made to the commons, "That the committee, appointed to go to the city, found a great deal of readiness in them to lend money, on the security offered but before they did lend any, they humbly proposed, 1st, That the money should be paid as soon as the act was passed. 2dly, That, by reason of the privileges of the members of both houses, and the protections granted, especially by the lords, a vast sum of money is detained from them; so that trade cannot be driven, nor are they so able to lend money for the service of the common cause, as they desired. 3dly, They said they were sensible of the miseries of the Protestants in Ireland, and of the power of the Papists there; and therefore did press, with much earnestness, that the persons of the Papists lords, and other persons of quality here in England, might be secured; lest some design be in them here, as they have cause to fear. Next, That there were divers laws and good motions sent up to the lords, for the good of the church and commonwealth, and that the great impediment that they passed not there, was from the bishops; and they did conceive, That so long as their votes were in parliament it would be a hinderance to all good laws, and therefore desired further endeavours to take away their votes."

Mr Serjeant Wylde reported from the committee appointed to examine into the plea and demurrer of the 12 Bishops, "That after a long debate and various opinions, they had at last concluded, that they were dilatory and insufficient, and that the 12 Bishops had made no Answer therefore to desire the lords that the Bishops be ordered to put in a peremptory Answer, such as they will stand to."

Informations of Plots.] Nov. 15. The parliament was this day put in great consternation, by the Information of one Beal, a tailor of a dangerous Plot of the Papists, against the lives of several members of both houses. The deposition of this man is, at length, in the Lords' Journals; and was so far believed, that all necessary precaution was taken to make a further discovery and prevent the danger. But no persons being found that were named to be concerned in it, we hear no more of this matter.

Nov. 16. Other informations were sent up to the parliament from Cheshire and Lan-

cashire, of the designs of the Papists in those counties. Upon all which, an ordinance of parliament for putting the Trained Bands of the Kingdom in a posture of defence, was read and agreed to by both houses. An ordinance was also made to authorise the earl of Essex to be lord lieutenant of the south side Trent, and the earl of Holland on the north; and the house of commons, particularly, ordered a guard of halberts to be set in convenient places, for the security of their house

Nov. 17. Several witnesses were examined before the commons, after which it was resolved, "That there is sufficient evidence for this house to believe, that there was a second design to bring up the Army against the Parliament, and an intention to make the Scots army stand neuter."

Debates in the Commons, concerning a Remonstrance on the State of the Kingdom.] Nov. 22 The commons fell briskly on their Declaration or Remonstrance A long debate ensued on the keeping in, or leaving out, several clauses, expressions, and words in it; in which there were no less than four divisions of the house In the two last of them, the question being put, Whether this Declaration, so amended, shall pass? it was carried, for passing 159, against 148. And, in another question, Whether the word 'published' should stand in the order for the not printing the Declaration, the Noes were 124, Yeas 101 But it was resolved, "That this Declaration shall not be printed without the particular order of this house."

We find a speech of sir Edward Dering's upon this occasion; who, though he had signalized himself against the court, in the beginning of this session, yet was equally zealous against this Declaration This speech, being very long, and printed in Rushworth, Nalson, and sir Edward's own Collections*, we cursorily pass over to avoid prolixity But the following passages are too remarkable to be omitted.

'Mr. Speaker; This Remonstrance, whosoever it passeth, will make such an impression, and leave such a character behind, both of his majesty, the people, the parliament, and of this present church and state, as no time shall ever eat out, whilst histories are written, and men have eyes to read them. How curious then ought we be, both in the matter and the form? Herein is a severe point of conscience to be tried, let us be sure that every particular substance be a truth; and let us clothe that truth with a free language, yet a modest and a sober language—Mr Speaker, this Remonstrance is, in some kind, greater and more extensive than an act of parliament that reacheth only to England and Wales, but, in this, the three kingdoms will be your impeachate supervisors: and the greatest part of Christendom will quickly borrow the glass to see our deformities thereta; they will scan this work at leisure, which, I hope, we shall not shut up in haste. Some pieces here are of excellent use and worth but what is that to me, if I may not have them without other parts that are both doubtful and dangerous? The matter, form, and final end of this Remonstrance, all of them do argue with me, not to remonstrate thus When I first heard of a Remonstrance, I presently imagined that, like faithful counsellors, we should hold up a glass to his majesty I did not dream we should remonstrate downwards, tell stories to the people, and talk of the king as of a third person. The use and end of such a Remonstrance, I understand not; at least I hope I do not'—He then proceeds to the religious Grievances recited in the Declaration, vindicates several of the Bishops and Clergy by name, and concludes thus· 'I do beseech you all with the fervor of an earnest heart, in heart almost divided between hopes and fears, never to suffer diversion or diminution of the rents we have for learning and religion· but, besides the pulpit, let us maintain an universal militia of Theology, whereby we may be always ready and able (by strength of our own, within our own happy island at home) to stop the mouth of all errors and heresies that can arise. Never, never, let it be said that sacred learning (for such is that I plead for) shall, in one essential half thereof, be quite unprovided for in England Sir, I have reason to be earnest in this. I see, I know, great designs drawing another way; and my fears are increased not cured by this Declaration Thus I have done and because I shall want champions for true Religion because I neither look for cure of our complaints from the common people, nor do desire to be cured by them because this house (as, under favour, I conceive) hath not recommended all the heads of this Remonstrance to the committee which brought it in because it is not true that the Bishops have commanded Idolatry because I do not know any necessary good end and use of this Declaration, but do fear a bad one; and because we pass his majesty and do remonstrate to the people· I do here discharge my vote with a clear conscience, and must say *No* to this strange Remonstrance'

Lord Clarendon's Account of the above Debate.] Lord Clarendon, who distinguished himself in this affair, under the name, then, of Mr. Hyde, has given us the following abstract of the debate upon it—"It contained a very bitter representation of all the illegal things which had been done from the first hour of the king's coming to the crown, to that minute, with all the sharp reflections which could be made upon the king himself, the queen and council, and published all the unreasonable jealousies of the present government, of the introducing Popery, and all other particulars that might disturb the minds of the people, which were enough discomposed The house seemed generally to dislike it, many saying, 'That it was very

* Printed for T. Egleafield and J. Stafford, 1641.

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unnecessary and unseasonable; unnecessary, all those grievances being already fully redressed, and the liberty and property of the subject being as well secured for the future as could possibly be done; and unseasonable, after the king had gratified them with granting every thing which they had desired of him; and, after so long absence in the settling the disorders in another kingdom, which he had happily composed, to be now welcomed home with such a volume of reproaches for what others had done amiss, and which he himself had reformed.' Notwithstanding all which, all the other party appeared passionately concerned that it might not be rejected, and enlarged themselves with as high expressions against the government as at first; with many insinuations, 'That we were in danger of being deprived of all the good acts which we had gained, if great care and vigilance were not used to disappoint some counsels which were still entertained,' making some doubtful glances and reflections upon the rebellion in Ireland, with which they perceived many good men were easily amused; and, in the end, prevailed, 'That a day should be appointed, when the house should be resolved into a committee of the whole house, and the Remonstrance to be then taken into consideration;' and, in the mean time, they employed all their credit and interest with particular men, to persuade them, 'That the passing that Remonstrance was most necessary for the preservation and maintenance of all those things, which they had already made,' giving several reasons to several persons, according to their natures and inclinations, assuring many 'That they intended it only for the terrifying some of the court, and mainly intended that that only, many party, which appeared to be upon the house could not prevail, and then that it should remain still in the clerk's hands, and never be published.' And, by these and the like arts, they procured themselves, that they should easily carry it so that the day it came to be resumed, they entertained the house all the morning with other debates, and, towards noon, called for the Remonstrance, and it being urged by some, 'That it was too late to enter upon it,' with much difficulty they consented, 'That it should be entered upon the next morning, at 9 of the clock, and every clause should be debated, the Speaker in the chair,' for they would not have the house resolved into a committee, which they believed would spend too much time. *Oliver Cromwell*, who at that time was little taken notice of, asked the lord Falkland, 'Why he would have it put off, for that day would quickly have determined it?' he answered, 'There would not have been time enough; for sure it would take some debate.' The other replied, 'A very sorry one.' They supposing, by the compliance they had made, that very few would oppose it. But he quickly found he was mistaken, for, the next morning, the debate being entered upon about 9 of the clock, it continued all that day, and candles being called for when it grew dark (neither side being very desirous to adjourn till the next day, though it was evident very many withdrew themselves out of pure faintness and disability to attend the conclusion) the debate continued till it was after 12 of the clock, with much passion; and the house being then divided upon the passing or not passing it, it was carried in the affirmative by 9 voices, and no more *. And, as soon as it was declared, Mr Hampden moved, 'That there might be an Order entered for the present printing it,' which produced a sharper debate than the former. It appeared then, that they did not intend to send it up to the house of peers for their concurrence; but that it was, upon the matter, an Appeal to the People, and to infuse jealousies into their minds. It had seldom been the custom to publish any debates or determinations of the house, which were not first regularly transmitted to the house of peers; nor was it thought, in truth, that the house had authority to give warrant for the printing of any thing; all which was offered by Mr. Hyde, with some warmth, as soon as the motion was made for printing it; and he said, 'He believed the printing it, in that manner, was not lawful, and he feared it would produce mischievous effects; and therefore desired the leave of the house, that if the question should be put, and he carried in the affirmative, he might have liberty to enter his protestation,' which he no sooner said, than Jeffrey Palmer, a man of great reputation, and much esteemed in the house, stood up and made the same motion for himself, 'That he might likewise protest.' Many afterwards, without distinction, and in some disorder, cried out, to the like, 'They did protest;' so that there was, after, scarce any quiet and regular debate. But the house, by degrees, being quieted, they all consented, about 2 of the clock in the morning, to adjourn till 2 the next afternoon. And as they went out of the house, the lord Falkland asked Oliver Cromwell, 'What debate had been a debate?' to which he answered, 'He would take his word another time;' and whispered him in the ear, with some asseveration, 'That, if the Remonstrance had been rejected, he would have sold all he had the next morning, and never have seen England more, until he knew there were many others of the same resolution.' Rushworth says 'That this debate lasted from 8 in the afternoon till 3 the next morning; so that nine in all, 'It looked like the *verdict of a starved Jury.*"

The King orders the Parliament's Guard to be dismissed.] Nov 26. The lord keeper acquainted the lords, 'That he had received a command from the king to tell them, "That his majesty had heard both houses had appointed Guards to attend them for their security, in his absence; which he presumes they had reasons for; but now, upon his return, he hopes his presence will be a protection to them. And therefore

* By the Journals, the majority was 11.

[illegible] the said [illegible] any other [illegible] lieut [illegible] [illegible] the lords to send some few [illegible] petition the king that the Guard [illegible] and, in a day or two, they would be [illegible] reason to satisfy his majesty about it — next day the king's Answer to this Petition [illegible] delivered to the lords, importing, "That he did command the Guards to be dismissed, because he knew no cause the parliament had of fears; but he well perceived the malestants that the keeping of them would bring upon the subjects of his, which were to perform that service; besides the general apprehensions and jealousies, which thereby might disquiet all his people. He expressed, that when the parliament should desire of him any extraordinary thing like this, and what appears of ill consequence, that they give him such particular reasons, as might satisfy his judgment, they did expect their desires to be granted. Yet he was so tender of the parliament's safety that, to secure them, not only from real, but even imaginary dangers, he had commanded the earl of Dorset to appoint some of the Trained Bands to wait upon the parliament for a few days, in which time, if he should be satisfied that there is just reason, he would continue them, and likewise take such a course for the safety of his own person as should be fit, of which, he doubted not, but they had as tender a care as of their own." This answer was ordered to be communicated to the commons at a conference.—Nothing done, of much consequence, in either house till November 30.

The Reasons of both Houses for the Continuance thereof.] Nov. 30. Mr. Pym, from the committee, presented the Reasons of both houses for the continuance of a Guard, which were agreed to, as follows:—"The great number of disorderly suspicious, and desperate persons, especially of the Irish nation, lurking in obscure allies and victualling-houses, in the suburbs and other places near London and Westminster. The jealousy conceived upon discovery of the design in Scotland, for the surprising of the persons of divers nobility and members of the parliament there, which had been spoken of here, some few days before it broke out, not without some whispering intimation, that the like was intended against divers persons of both houses, which found the more credit, by reason of the former attempts of bringing up the army, to disturb and inforce this parliament. The Conspiracy in Ireland, managed with so much secrecy, that, but for the happy discovery at Dublin, it had been executed in all parts of the kingdom, upon one and the same day, or soon after; and that some of the chief complotters did profess, that the like course was intended in England and Scotland, which hath found in some degree, true in Scotland, and is more probable to be likewise in England or England. Divers Advertisements beyond the [illegible]

[illegible] time, [illegible] reli- [illegible] the [illegible] bro- [illegible] [illegible] [illegible]

kneeling: but his majesty would not permit us to kneel, but commanded us all to rise; and so I read it. The first observation his majesty made was at that part of the Petition, that chargeth a malignant party with a design to change Religion to which his majesty said, with a great deal of fervency, 'The Devil take him, whomsoever he be, that had a design to change Religion.' I then proceeded; and when I came to that part of the Petition, for reserving the Disposal of the Lands of the Rebels in Ireland, &c. his majesty was pleased to say, 'We must not dispose of the Bear's Skin till he be dead.' After the Petition was read, his majesty desired to ask us some questions. We answered, We had no commission to speak any thing concerning this business. 'Then' said he 'you may speak as particular men;' and said 'Doth the house intend to publish this Declaration?' We answered, We could give no Answer unto it. 'Well then,' said he, 'I suppose you do not non expect an Answer to so long a Petition. and this let me tell you, I have left Scotland well, and in peace, they are all satisfied with me, and I with them, and though I stayed longer there than I expected, yet, I think, if I had not gone, you had not been rid so soon of the army. I shall give you an Answer to this business, with as much speed as the weightiness of the business will permit.' And so gave us all his hand to kiss. and afterwards sent Mr. Comptroller to us with this message, to be delivered to the house, 'That there might be no publishing of the Declaration till this house had received his majesty's Answer.' We were all entertained by Mr. Comptroller with great respect, and lodged by the king's harbinger."

Since, from this Petition and Remonstrance, with the king's Answer to them at their delivery, and from the Declaration he published afterwards to the same purpose, the reader will be better enabled to form a judgment of the cause of the Civil War that ensued, and the arguments on both sides, we have printed them at large. The length of them may be more easily pardoned, since they may be justly stiled the very hinge upon which all those differences turned that, afterwards, came to be decided by the sword.

The PETITION was as follows:*

"Most gracious Sovereign; Your majesty's most humble and faithful subjects, the commons in this present parliament assembled, do, with much thankfulness and joy, acknowledge the great mercy and favour of God, in giving your majesty a safe and peaceable return out of Scotland into your kingdom of England; where the pressing dangers and distempers of the state have caused us, with much earnestness, to desire the comfort of your gracious presence, and likewise the unity and justice of your royal authority to give more life and power to the dutiful and loyal counsels and endeavours of your parliament, for prevention of that imminent ruin and destruction wherewith your kingdoms of England and Scotland are threatened. The duty which we owe to your majesty and our country, cannot but make us very sensible and apprehensive, that the multiplicity, sharpness, and malignity of those evils, under which we have now many years suffered, are fomented and cherished by a corrupt and ill affected party; who, not only other their mischievous devices for the alteration of religion and government, have sought, by many false scandals and imputations, cunningly insinuated and dispersed amongst the people, to blemish and disgrace our proceedings in this parliament, and to get themselves a party and faction amongst your subjects; for the better strengthening of themselves in their wicked courses, and hindering those provisions and remedies which might, by the wisdom of your majesty and counsel of your parliament, be opposed against them.—For preventing whereof, and the better information of your majesty, your peers, and all other your loyal subjects, we have been necessitated to make a Declaration of the State of the Kingdom, both before and since the assembly of this parliament, unto this time; which we do humbly present to your majesty, without the least intention to lay any blemish upon your royal person, but only to represent how your royal authority and trust have been abused, to the great prejudice and danger of your majesty, and of all your good subjects.—And because we have reason to believe that those malignant parties, whose proceedings evidently appear to be mainly for the advantage and increase of Popery, is composed, set up, and acted by the subtle practice of the Jesuits, and other engineers and factors for Rome, who, to the great danger of this kingdom, and most grievous affliction of your loyal subjects, have so far prevailed, as to corrupt divers of your Bishops, and others in prime places of the Church; and also to bring divers of these instruments to be of your privy council, and other employments of trust and nearness about your majesty, the prince, and the rest of your royal children: and, by this means, have had such an operation in your council and the most important affairs and proceedings of your government, that a most dangerous division and changeable Preparation for War betwixt your kingdoms of England and Scotland, the Increase of Jealousies betwixt your majesty and your most obedient subjects, the violent Distraction and Interruption of this Parliament, the Insurrection of the Papists in your kingdom of Ireland, and bloody Massacre of your people there, have been not only endeavoured and attempted but, in a great measure, compassed and effected.—For preventing the final accomplishment whereof, your poor subjects are inforced to engage their persons and estates to the

* From the original edition, printed by Joseph Hunscott, by order of the house of commons, and signed by H. Elsinge, Cler. Parl. D. Com.

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[illegible]g of n very expenceful and dangerous war, notwithstanding they have already, [illegible] the beginning of this parliament, undertaken the charge of 150,000*l.* or thereabouts, the necessary support and supply of your [illegible]osty in these present and pernicious designs, and because all our most faithful endeavours and engagements will be ineffectual for the peace, safety and preservation of your majesty and your people, if some present, real, and effectual course be not taken for suppressing this wicked and malignant party, we your most humble and obedient subjects do, with all faithfulness and humility, beseech your majesty; 1. That you will be graciously pleased to concur with the humble desire of your people in a parliamentary way, for the preserving the peace and safety of the kingdom from the malicious designs of the Popish party, for depriving the Bishops of their Votes in parliament, and abridging their unmoderate power usurped over the clergy, and other your good subjects; which they have most pernicuously abused, to the hazard of religion and great prejudice and oppression of the laws of the kingdom, and just liberty of your people. But the taking away such oppressions in religion, church government, and discipline, as have been brought in and fomented by them, for uniting all such your loyal subjects together, as join in the same fundamental truths against the Papists, by removing some opposition and unnecessary ceremonies, to which tender consciences have been scrupulous, and settling the peace from the [illegible]ntion of these good laws that have been made for securing the liberty of your subjects. 2. That your majesty will likewise be pleased to remove from your royal person and counsels all those persons who have been violently [illegible] favour and promoted any of those pernicious and corruptions, whereunto your people have been grieved and that it be the future care of your majesty well to choose such persons to [illegible] great and public places, and to the state to be near unto your royal trust, as your parliament may have cause to confide in, that in your princely goodness to your people you will rely on and receive information of [illegible]tation to the contrary how powerful and [illegible]or soever. 3. That you would be graciously pleased to disburse and employ the [illegible] and escheated lands in Ireland, the best revenue of your crown by reservation of [illegible], out of them, the arrears now due to the army there supported, and some satisfaction made to your subjects of this kingdom for the great expences they are like to undergo by this war.—Which humble desires of ours being graciously fulfilled by your majesty, we will, by the blessing and favour of God, most cheerfully undergo the hazard and expences of this war, apply ourselves to such other courses and counsels as may support your royal estate with honour and plenty at home, with power and reputation abroad, and be our loyal acclions, obedience and service, lay a sure and lasting foundation of the [illegible] and prosperity of your majesty and your royal posterity [illegible] times."

The REMONSTRANCE of the State of the Kingdom [illegible] presented with the foregoing P[illegible] TI[illegible]

"The commons in this present parliament assembled, having, with much earnestness and fair fulness of affection, and zeal to the public good of this kingdom and his majesty's honour and service, for the space of 12 months, wrestled with the great dangers and fears, the pressing miseries and calamities, the various distempers and disorders, which had not only assaulted, but even overwhelmed and extinguished the liberty, peace, and prosperity of this kingdom, the comfort and hopes of all his majesty's good subjects, and exceedingly weakened and undermined the foundation and strength of his own royal throne, do yet find an astonishing indignity and opposition to those particular and factious, who have been the cause of these evils, and do still labour to cast aspersions upon that which hath been done; to raise many difficulties for the hinderance of that which remains yet undone; and also to foment jealousies between the king and the parliament; that so they may deprive him and his people of the fruit of his own gracious intentions, and of their humble desires, all procuring the public peace, safety, and happiness of this realm: for the preventing of those miserable effects, which such malignant endeavours may produce, we have thought good to declare 1st, The Root and the Growth of these mischiefs: 2dly, The Maturity and Ripeness, to which they had attained before the beginning of the parliament: 3dly, The effects of Mischief: 4thly, The Counsels for the Extirpation of those dangerous Evils, and the Progress which hath therein been made by his majesty's goodness and the wisdom of the parliament: 5thly, The Lets and Obstructions and Oppositions, by which that progress hath been retarded: 6thly, The Courses to be taken for the removing those Obstructions, and for the accomplishing of our most dutiful and faithful intentions and endeavours of restoring and establishing the ancient honour, greatness, and security of this crown and nation. The Root of all this Mischief we find to be a malignant and pernicious design of subverting the fundamental laws and principles of government upon which the religion and justice of this kingdom are firmly established. The actors and promoters hereof have been, 1st, The Jesuited Papists, who hate the laws, as the obstacles of their change, and subvert both religion, which they so much long for, and policy. 2dly, Bishops, and the corrupt part of the clergy, who cherish formality and superstition, as the natural fuel and most probable supports of their own ecclesiastical tyranny and usurpation. 3dly, Such counsellors and actors near the person of the king, who have raised themselves to further their interest and power by the [illegible] and the [illegible] of [illegible]

[illegible] ciples. In [illegible] and that [illegible] to these [illegible] mal distances and [illegible] the king and the people, [illegible] ques[illegible] prerogative and liberty, that [illegible] might [illegible] the advantage of siding with [illegible] and, under pretensions of men addicted to his service, place themselves, and their parties, the places next the trust and power in the kingdom. They suppress the piety and power of religion, and such as were first affected to it, as being contrary to their own ends, and the greatest impediment to that change which they thought to make: and, To conjoin those parties of the kingdom who were most proper to their own ends, and to divide those who were most opposite. This consisted in many particular observations, viz. To cherish the Arminian Party in those points wherein they agree with the Papists, to multiply and enforce the differences between the common Protestants and those whom they call Puritans, to introduce and countenance such opinions and ceremonies as are fittest for an accommodation with Popery, to increase and maintain ignorance, looseness, and prophaneness in the people, that of those three parties, Papists, Arminians, and Libertines, they might compose a body fit to act such counsels and resolutions, as were most conducible to their own ends. 4thly, To disaffect the king to parliaments by slanders and false aspersions, and, by putting him upon other ways and supply (which, in show and appearance, were full as advantage than the ordinary course of Subsidies, though, in truth, they brought more loss than gain both to the king and people) have caused the great distractions under which both suffer.—As in all compounded bodies, the ingredients are qualified according to the predominant element, so, in this mixt party, the Jesuited counsels being most active and prevailing, may easily be discovered to have had the greatest sway in all their determinations, and, if they be not prevented, are likely to devour the rest, or to turn them into their own nature.—In the beginning of his majesty's reign, the party began to revive and flourish again, having been somewhat damped by the breach with Spain in the last year of king James, and by his majesty's marriage with France, (the interests and counsels of that state being not so contrary to the good of religion and the prosperity of this kingdom, as those of Spain, and the Papists of England having been ever more addicted to Spain than France) yet they still retained a purpose and resolution to weaken the Protestant parties in all parts, and even in France, thereby to make way for the change of religion which they intended at home.—The first effect and evidence of their recovery and strength was, the Dissolution of the parliament at Oxford, after there had been given two subsidies to his majesty, and before they received relief in any one Grievance, many other more grievous and [illegible] followed [illegible] the Rochel Fleet, by the help of [illegible] set forth and delivered over to the [illegible] upon the advice of parliament [illegible] left that town without defence by sea, and more was not only to the loss of that important place, but because to the loss of all the strength and security of the Protestant religion in France.—The diverting of the prince's succours in ships from the West Indies, which was the most considerable help ever for this kingdom in point of strength by sea, to an expence of land-services upon Cadiz, which [illegible] of all the forces the then condition of affairs [illegible] of war, than to prosecute [illegible] peace with France, and [illegible] ps to our great value; whereupon the French subjects goods were embargoed, and [illegible] in that kingdom, without hope of [illegible] unless them. The peace with Spain without consent of parliament, contrary to the promise of king James to both houses; whereby the Palatine's cause was deserted, and left to chargeable and hopeless treaties; which, for the most part, were managed by those who might justly be suspected to be no friends to that cause: The charging of the kingdom with billeted soldiers in all parts of it, and their concomitant design of Germin horse, that the land might either submit with fear, or be inforced with rigour, to such arbitrary contributions as should be required of them. The dissolving of the parliament, in the 2nd year of his majesty's reign, without the [illegible] of their intent to grant a subsidy. The exacting of the like proportion of 2 subsidies, after the parliament was dissolved, by commission of loan; and divers gentlemen and others imprisoned for not yielding to pay that loan, whereby many of them contracted such sickness as cost them their lives. Great sums of money raised, and raised by privy seals. An unjust and pernicious attempt to exact great payments from the subjects, by way of [illegible] and a commission used, under seal for that purpose. The Petition of Right, which was granted in full parliament, but set forth in a great Declaration, to make it destructive in itself, to the pardoning [illegible] to the liberty of the subject, and to that purpose printed with it, and the Petition made no mention, but to serve the bold and presumptuous [illegible] of such ministers as durst break the laws, and suppress the liberties of the kingdom, after they had been so solemnly and evidently declared. Another parliament dissolved, 4 Caroli, the Privileges of Parliament broken, by imprisoning divers members of the house, detaining them close prisoners for many months together, without the liberty of using books, pen, ink, or paper; denying them all the comforts of life, all means of preservation of health, not permitting their wives to come unto them, even in time of their sickness; and, for the compleating of that cruelty, after years spent in such miserable durance, depriving them of the necessary means of spiritual consolation, by not suffering them to

[illegible] ut God's [illegible] to come to them, to [illegible] them in their private [illegible] them still in this [illegible] not admitting them to be [illegible] to [illegible] yet vexing them with [illegible] inferior courts; sentencing and [illegible] them for matters done in pur[illegible] entering the payment of those [illegible] them; enforcing others to put in [illegible] good behaviour, before they could

The imprisonment of the rest, to be bound, still continued, (which [illegible] have been perpetual, if necessity had [illegible] last year, brought another parliament [illegible] them) of whom one (Sir John [illegible] died by the cruelty and harshness of [illegible] imprisonment; which would admit of no [illegible] on, notwithstanding the imminent danger of his life did sufficiently appear by the [illegible] n of his physician, and his release, [illegible] at least his refreshment, was sought by humble petitions. And his blood still cries for [illegible] geance, or repentance of those ministers of state, who, at once, obstructed the course both of his majesty's justice and mercy. Upon the dissolution of both these parliaments, untrue and scandalous Declarations were published, to asperse their proceedings, and some of their members; unjustly to make them odious, and colour the violence which was used against them. Proclamations were set out, to the great dejecting of the hearts of the people, forbidding them even to speak of parliaments. After the breach of parliament, in the 16th year of his majesty, injustice, oppression, and violence broke in upon us, without any restraint or moderation; and yet the first project, was the great monopolized thing in the whole kingdom, for destruction of knighthood, which seemed to have some colour and shadow of law; yet, if it be rightly examined by that obsolete law which was pretended for it, it will be found to be against all the rules of justice, both in respect of the persons charged, the proportion of the fine demanded, and the abundant unreasonable manner of their proceedings. Tonnage and Poundage hath been received without colour or pretence of law; many other heavy impositions continue against law, and some so unreasonable, that the sum of the charge exceeds the value of the goods. The Book of Rates lately enhanced to a high proportion; and such merchants, as would not submit to their illegal and unreasonable payments, were vexed and oppressed above measure, and the ordinary course of justice, the common birth-right of the subjects of England, wholly obstructed unto them. And although all this was taken upon pretence of guarding the sea, yet a new and unheard-of tax of Ship-Money was devised, upon the same pretence. By both which, there was charged upon the subject near 700,000*l.* some years; and yet the merchants have been left so naked to the violence of the Turkish pirates, that many great ships of value, and thousands of his majesty's subjects, have been taken by them, and [illegible] slavery. The en[illegible] to Charta de Foresta, [illegible] thereupon the exactions [illegible] Money, and divers other [illegible] the taking away the arms of [illegible] of divers counties; the [illegible] ingrossing all the Gun-powder [illegible] he put it in the Tower of [illegible] so high a rate upon it, that [illegible] were not able to buy it, nor could [illegible] without license, thereby to leave [illegible] parts of the kingdom destitute of [illegible] sary defence; and, by selling so [illegible] which was sold, to make an unlawful [illegible] of it, to the great charge and detriment [illegible] subject, the general destruction of the king's timber, especially that in the forest of Dean, sold to Papists, which was the best store-house of this kingdom for the maintenance of our shipping, the taking away of men's right, under colour of the king's title to land between high and low water marks, the Monopolies of soap, salt, wine, leather, sea-coal, and, in a manner, of all things of most common and necessary use; the restraint of the liberties of the subjects in their habitations, trades, and other interests; their vexation and oppression by purveyors, clerks of the market, [illegible]-petty-men, the sale of pretended nuisances, as building in and about London; conversion of arable into pasture, and continuance of pasture, both, under the name of depopulation, drawn many millions out of the subjects purses, without any considerable profit to his majesty. Large quantities of common, and several grounds, have been taken from the subject, by colour of the statute of [illegible] and by force of the commission of Sewers, without their consent, and against it.—Not only private interest, but also public faith hath been broken, in seizing of the money and bullion in the mint, and the whole kingdom like to be robbed at once, in that abominable project of Base Money. Great numbers of his majesty's subjects, for refusing those illegal [illegible], have been vexed with long suits; some fined and censured, others committed to long and hard imprisonments and confinements, to the loss of health in many, of life in some, and others have had their houses broken open, and their goods seized; some have been restrained from their lawful callings, and have been interrupted in their voyage, arrested at sea, in a hostile manner, by Projectors, as his common enemies in merchants prohibited to trade there, goods in such prizes, were for their own advantage, and forced to [illegible] them to those places which were most for the advantage of the Monopolizers and Projectors. The court of Star-Chamber hath abounded in extravagant censures, not only for the manifold [illegible] and [illegible] of the Monopolies, and other unlawful taxes, but for divers other causes, where there hath been no offence, or very small, whereby his majesty's subjects have been oppressed by grievous fines, imprison-

[illegible] strangs, mutilations, whippings, [illegible]s, confinements, and banishments, [illegible] manner, as hath not only [illegible] of the society of their friends, ex[illegible] their profession, comfort of book[illegible] pen and ink, but even denied the [illegible] which God hath endued with reason [illegible] men and the names, by forced and unnatural separation, of exiles they have been deprived of the comfort and consort of their [illegible] for many years together, and not hoped [illegible] of God but that, by his over-ruling Providence, [illegible] some interruption to the proceedings [illegible] counsel of those, who were the actors and promoters of such pernicious [illegible] courses — Judges have been put out of their places, for refusing to act against their oaths and consciences; others have been informed that they did not hold their places [illegible] and, the better to hold a rod over them, the clause, 'Quamdiu bene gesserint,' was left out of their patent, and a new clause, 'Durante bene placito,' inserted. Lawyers have been checked for being faithful to their clients; solicitors and attorneys have been threatened, and some punished, for following lawful suits; and, by this means, all the approaches to justice were interrupted and foreclosed. — New oaths have been forced upon the subject contrary to law; new jurisdictions erected without law. The council-table have, by their orders, inforced to bind the subjects in their freeholds, estates, suits, and actions. — The pretended court of the Earl Marshal was arbitrary, and illegal, in its being and proceedings. The Chancery, Exchequer-Chamber, Court of Wards, and other English courts, have been grievous, in stretching their jurisdiction. The estate of many families weakened, and some ruined, by excessive fines exacted from them in extraordinary visitations of wardships. All leases of above 100 years liable to draw in wardship, contrary to law. Undue proceedings used in binding in offices, to make the Jury find for the King. The Common-Law courts, seeing all men more inclined to seek justice where it may be found to their own desire, are known frequently to forsake the rules of the Common-Law, and, straining beyond their bounds, under pretence of equity to do injustice. Titles of honour, judicial places, serjeantships at law, and other offices have been sold for great sums of money, whereby the common justice of the kingdom hath been much endangered, not only by opening a way of employment in places of great trust and advantage, to men of weak parts; but also by giving occasion to bribery, extortion, and partiality; it seldom happening that places ill gotten are well used, commissions have been granted for examining the excess of fees; and, when great exactions have been discovered, compositions have been made with delinquents, not only for the time past, but likewise for impunity and security in offending for the time to come; which, under colour of remedy, hath but countenanced and increased the Grievance to the subject. [illegible] usual [illegible] of pricking sheriffs not observed, but many times made in an extraordinary way, sometimes as a punishment and charge unto them, sometimes such were pricked out, as would [illegible] in manner to execute himself or they were [illegible] to Petition. — The Bishops and the rest of the clergy did conspire to the subversion of the [illegible] and depravations and degradations of divers pious, learned, and painful ministers, and in the vexation and grievous oppression of great numbers of his majesty's good subjects. The High Commission grew to such intolerable sharpness and severity, as was [illegible] in the Romish Inquisition; and yet in many cases, by the archbishop's power, it was made much more heavy, being countenanced and strengthened by authority of the Council-Table. The Bishops, and their courts, were as cesse in the country; and although their jurisdiction could not reach so high in rigour and extremity of punishment, yet were they no less grievous, in respect of the generality and multiplicity of vexations, which lighting upon the meaner sort of tradesmen and artificers, did impoverish many thousands, and no smaller and trouble others, that great numbers, to avoid their miseries, departed out of the kingdom; some into New-England, and other parts of America; others into Holland, where they have transported their manufactures of cloth; which is not only a loss, by diminishing the present stock of the kingdom, but a great mischief, by impairing and endangering the loss of that peculiar trade of cloathing, which hath been a plentiful fountain of wealth and honour to this nation. Those were fittest for ecclesiastical preferment, and soonest obtained it, who were most officious in promoting superstition; most virulent in railing against Godliness and honesty. The most public and solemn sermons before his majesty, and other in solemn and prerogative days, have [illegible] and decry the property of the subject; or full of such kind of invectives, whereby they might make those odious, who sought to maintain the religion, laws, and liberties of the kingdom; and such men were sure to be recommended to the commission of the peace, and out of all other employments of power in the government of the country. Many noble personages were counsellors in name, but the power and authority remained in a few of such as were most addicted to this party; whose resolutions and determinations were brought in the table for countenance and execution, but first debate and deliberation; and no man could offer to oppose them without disgrace and hazard to himself: nay, all those that did not wholly concur, and actively contribute to the furtherance of their designs, though otherwise persons of ever so great honour and abilities, were so far from being employed in any place of trust and power, that they were neglected, discountenanced, and, upon all occasions, injured and oppressed. This faction

Sc. Dr. Laud, Archbishop of Canterbury.

that height and meanness of ... they began to think of ... which consisted of these three ... The government must be set free ... out of laws, concerning our pre... 2 There must be a co... ... Papists and Protestants, in ... discipline, and ceremonies, only it ... not yet be called Popery. 3 The Puri... (under which name they include all those ... desire to preserve the laws and liberties of ... kingdom, and to maintain religion in the ... or of it) must be either rooted out of the kingdom with force, or driven out with fear. For the effecting of this, it was thought necessary to reduce Scotland to such Popish superstitions and innovations, as might make them apt to join with England in that great change which was intended: whereupon new Canons and a new liturgy were pressed upon them, and, when they refused to admit of them, an army was raised to force them to it, to which the Clergy and the Papists were very forward in their contribution. The Scots likewise raised an army for their defence, and when both armies were ready to fight, and ready for a bloody encounter, his majesty's own gracious disposition, and the counsel of the English nobility and dutiful submission of the Scots, did so far prevail against the evil counsel of others, that a pacification was made, and his majesty returned with peace and much honour to London.—The unexpected reconciliation was most acceptable to all the kingdom, except to the malignant party, wherein the archbishop and the earl of Strafford being lords, they and their faction began to inveigh against the peace, and to aggravate the proceedings of the state; which accused his majesty, that he furiously prepared again for war. And such was their confidence, that, in an open council in the presence of the whole state and government of the kingdom, they did move him to commit that which was the only means to restore them to their right frame and temper again to the end they persuaded his majesty to call a parliament, not to seek the ease and advantage of them, but to drain contentions and jealousies from them, and engage the whole kingdom in their quarrel; and, in the mean time, to have raised all their unjust levies of money, resolving either to make the parliament plant to their will, and to establish mischief by law, or else to break it, and, with more colour, to go on by violence, to take what they could not obtain by consent. The second allegation in justification of this war was this, That the undutiful demand of the parliament of Scotland was a sufficient reason for his majesty to take arms against them, without hearing or answering those demands: and thereupon nevertheless was prepared against them, their [illegible] seized in all parts both of England and Ireland, and at sea; their petitions rejected, and their commissioners refused audience. This while kingdom being most miserably distempered [illegible] with fears of many [illegible] ment of the [illegible] leries, the earl of Strafford [illegible] caused the parliament there [illegible] the Scots, to give 4 Subsid[illegible] war, and to engage the [illegible] and fortunes, for the [illegible] gave answers for an [illegible] 900 horse to the [illegible] there for the most part Papists. The parliament met upon the 13th of April, 1640. The earl of Strafford and abp. of Canterbury, with their party, so prevailed with his majesty, that the house of commons were pressed to fall to Supply for the maintenance of the War with Scotland, before they had provided any relief for the great and pressing Grievances of the people, which being against the fundamental privilege and prerogative of parliament, was by an humble request to his majesty so far admitted, as that they agreed to take the matter of Supply into consideration, and two several days it was debated. (1.) Subsidies being demanded for the relief of Ship-Money [illegible] and the day was appointed for conclusion; when the heads of that party began to fear the people would be [illegible] satisfaction for the [illegible] of money, but that withal they were like to dissolve their malicious designs against Scotland, finding them by no means disposed [illegible] the [illegible] they proceeded [illegible] to [illegible] ways of [illegible] and [illegible] to the wicked intentions of [illegible] the parliament [illegible] Whereupon the parliament [illegible] this day was [illegible] the [illegible] house [illegible] this [illegible] ... without [illegible] ... members of [illegible] ... and [illegible] ... [illegible] ... [illegible] ...

made Canons, that contain in them many matters contrary to the king's prerogative, to the fundamental laws and statutes of the realm, to the right of parliaments, to the property and liberty of the subject; and matter tending to sedition, and of dangerous consequence thereby establish all their own usurpations, justifying their unlawful worship, and those other superstitious innovations, which they formerly introduced without warrant of law — They imposed a new Oath upon divers of his majesty's subjects, both ecclesiastical and lay, for maintenance of their own tyranny, and a great tax upon the clergy for supply of his majesty; and, generally, they set all themselves very affectionate to the war with Scotland, which was, by some of them, styled 'Bellum Episcopale;' they composed a prayer, and enjoined it to be read in all churches, calling the Scots, Rebels, to put the two nations into blood, and make them irreconcilable — All these pretended Canons and Constitutions were armed with the several censures of suspension, excommunication, and deprivation; by which they would have thrust out all the good ministers, and most of the well-affected people of the kingdom, and left no clear passage to their own design of reconciliation with Rome — The Popish party enjoyed such exemption from the penal laws, as amounted to a toleration, besides many other encouragements and court favours. They had a secretary of state, sir Francis Windebank, a powerful agent for the spreading of all their devices; and a Pope's Nuncio residing here, to act and govern them according to such instructions as he received from Rome, and to intercede for them with the most powerful concurrence of the foreign princes in that religion by whose authority the Papists of all sorts, nobility, gentry, and clergy, were convocated after the manner of a parliament, new jurisdictions were erected of Romish archbishops; taxes levied, another state moulded within this state, and ambient in government, contrary in interest and affection, secretly corrupting the ignorant or negligent professors of our religion, and closely uniting and combining themselves against such as were sound; in this posture waiting for an opportunity, by force, to destroy those whom they could not hope to seduce — For the effecting whereof, they were strengthened with arms and munition, and encouraged by superstitious prayers, enjoined by the Nuncio to be weekly made for the prosperity of some great design — And such power had they at court, that, secretly, a commission was intended to be issued to some great men of that profession, for the levying of soldiers, and to command and employ them according to private instructions; which we doubt were framed for the advantage of those who were the contrivers of them.—His majesty's treasure was consumed, his revenue anticipated, his servants and officers compelled to lend great sums of money; multitudes were called to the council-table, who were tired with long attendance thereupon for refusing illegal payments; the prisons were filled with their commitments; many of the sheriffs summoned into the Star Chamber, and some imprisoned for not being quick enough in levying the Ship-Money, the people languished under grief and fear, no visible hope being left, but in desperation; the nobility beginning to be weary of their silence and patience, and sensible of the duty and trust which belongs to them, some of the most eminent of them did thereupon petition his majesty, at such a time when evil counsel were so strong, that they had reason to expect more hazard to themselves, than redress of those public evils for which they interceded — Whilst the kingdom was in this agitation and distemper, the Scots (restrained in their trades; impoverished by the loss of many of their ships; and bereaved of all possibility of satisfying his majesty by any naked supplication) entered with a powerful army into the kingdom, and, without any hostile act or spoil to the country as they passed, more than forcing a passage over the Tyne at Newburn, near Newcastle, possessed themselves of Newcastle, and had a fair opportunity to press further upon the king's army, but duty and reverence to his majesty, and brotherly love to the English nation, made them stay there; whereby the king had leisure to entertain better counsels; wherein God so blessed and directed him, that he summoned the great council of peers to meet at York, upon the 24th of Sept. and there declared a parliament to begin the 3rd of Nov. then following. The Scots, the first day of the great council, presented an humble Petition to his majesty, whereupon the Treaty was appointed at Rippon; a present cessation of arms agreed upon, and a full conclusion of all differences referred to the wisdom and care of the parliament — At our first meeting all eyes and ears seemed to astonish, the miseries we were fallen into, which those evil counsellors had procured, that no man durst stand up to lead them; yet the work itself afforded difficulty enough. The multiplied evils, and corruption of 16 years, strengthened by custom and authority, and the concurrent interest of many powerful delinquents, were now to be brought to punishment and reformation. The king's household was to be provided for, they having brought him to that want, that he could not supply his ordinary and necessary expences without the assistance of his people. Two armies were to be paid, who amounted very near to 80 000*l.* a month, and the people were to be tenderly charged, having been formerly exhausted with many burthensome projects. The difficulties seemed to be insuperable; which, by the Divine Providence, we have overcome. The contrarieties in quantible; which yet, in a great measure, we have reconciled. Six Subsidies have been granted; and a bill of Poll-Money which, if it be duly levied, may equal 86 Subsidies more, in all 600,000*l.* Besides, we have contracted a debt to the Scots of 220,000*l.* and yet God hath so blessed the endeavours of this parliament, that the king-

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dom is a great gainer by all these charges. The Ship Money is abolished, which cost the kingdom above 200,000*l.* a-year. The Coat and Conduct-Monies and other such charges, are taken away, which, in many counties, amounted to little less than the Ship-Money. The Monopolies are all suppressed, whereof some few and precious of purpose above a million yearly, the Soap, 10 or 1200*l.* the Wine, 300,000*l.* the Leather must need exceed both: and Salt could be no less than that: besides the inferior Monopolies, which, if they could be exactly computed, would make up a great sum.—That which is more beneficial than all this, is, that the root of these evils is taken up: which was the arbitrary power pretended to be in his majesty, of taxing the subjects or charging their estates without consent in parliament, which now declared to be against law, by the judgment of both houses, and likewise by an act of parliament.—Another step of public advantage this, the living Great men, Privy-Counsellors and actors of these mischiefs have been so quelled by the judgment upon the Earl of Strafford; the flight of the Lord Archbishop of Canterbury Windebank, and the incarceration and imprisonment of the Archbishop of Canterbury and Judge Berkeley, and the impeachment of divers other Bishops and Judges, that it is like not only to be no cause to the present times, but to preserve all future.—The discontinuance of parliaments represented by the Triennial Parliament and the abrupt dissolution of this parliament by another bill, in which it is provided, It shall not be dissolved or prorogued without the consent of both houses. These two laws well considered may be thought more advantageous than all the manner, because they secure a full redress and the present remedy, and should put out of all hope of remedies hereafter.—The Star Chamber, the High Commission, the Council of Ireland and Council in the North, which were courts of forges of misery, oppression, and tyranny, are all taken away; whereby men are much eased in their persons, liberties and estates, that they could be by any law executed for the regulation of those courts, or the power of the judges. The immoderate power of the Council-Table, and the excessive power that that power is so ordered and restrained, that, it may well hope, no such things as were in growth done by them, to the prejudice of the public liberty, will appear in future times but only in stories, to give us, and our posterity, more occasion to praise God for his majesty's goodness, and the faithful endeavours of this parliament.—The Canons, and the power of Canon-making, are blasted by the Vote of both houses. The exorbitant power of Bishops, and their courts are much abated by some provisions in the bill against the High Commission Court. The innovations in doctrine and ceremonies, and the ministers that have been scandalous in their lives, have been so terrified by just complaints and accusations, that we may well hope they will be more modest for the time to come; being either inwardly convicted by the sight of their own folly, or outwardly restrained by the fear of punishment. The Forests are, by a good law, reduced to the right bounds. The encroachments and oppressions of the Stannary Courts, the extortions of the Clerk of the Market, and the compulsion of the subject to receive the order of Knighthood against his will, paying of fines for not receiving it, and the vexatious proceedings thereupon for levying of those fines, are, by other Acts and Laws, reformed and prevented.—Many excellent laws and provisions are in preparation for removing the unordinate power, vexation, and usurpation of Bishops, for reforming the pride and idleness of many of the Clergy; for easing the people of unnecessary ceremonies in Religion; for encouraging and removing unworthy and unprofitable ministers, and for maintaining godly and diligent preachers through the kingdom.—Other things of main importance for the good of this kingdom, are in proposition, (though little could hitherto be done, in regard of the many other pressing businesses; which yet, before the end of this session, we hope may receive some progress and perfection) as the establishing and ordering the king's Revenue, that so the abuse of officers, and superfluity of expences may be cut off, and the necessary establishments for his majesty's honour, the defence and government of the kingdom, may be more certainly provided for, the regulating of Courts of Justice, and abolishing both the delays and charges of Law-Suits, the settling of some good courses for preventing the exportation of Gold and Silver, and the inequality of Exchanges between us and other nations, for the advancing of native commodities, increase of our manufactures, and well-ordering of trade, whereby the stock of the kingdom may be increased, or, at least, kept from decaying, us, the much neglected herein, it hath done for many years last past: for upon the Herring Fishing upon our own coasts, which would be of singular use in the employment of the poor, and a plentiful nursery of mariners for enabling the realm to any great action.—The opposition, obstructions, and other difficulties wherewith we have been encountered, and which still in some way, with some strength and much obstinacy, are thrust upon us by the Malignant Party, whom we have hitherto described to be the actors and promoters of all our misery, they have taken great heart again, and have been able to prefer some of their own actors and agents to Offices of Honour, Employment of trust and employment even during the parliament: they have endeavoured to work in his majesty ill impressions and opinions of our proceedings, as if we had altogether done our own work, and not his, and had obtained from him many things very prejudicial to the crown, both in respect of prerogative and profit.—To wipe out the first part of this slander, we think good only to say thus much, That all that we have done is for his majesty, his greatness, honour and support. When we yielded to give 25,000*l.*

a month for the relief of the Northern counties, this was given to the king; for he was bound to protect his subjects. They were his majesty's evil counsellors, and their ill instruments, that were actors in those grievances which brought in the Scots; and if his majesty please to force those who were the authors of this war to make satisfaction, as he might justly and easily do, it seems very reasonable that the people might well be excused from taking upon them this burden, being altogether innocent, and free from being any causes of it. When we undertook the charge of the army, which cost above 50,000*l.* a month, was not this given to the king? Was not his majesty's army; were not all the commanders under contract with his majesty, at higher rates and greater wages than ordinary? And have not we taken upon us to discharge all the Brotherly Assistance of 300,000*l.* which we gave the Scots? Was it not towards repair of those damages and losses which they received from the king's ships, and from his ministers? These three particulars amount to above 1,100,000*l.* Besides, his majesty hath received, by impositions upon merchandize, at least 400,000*l.* so that his majesty hath had out of the subjects purse, since the parliament began, one million and a half; and yet these men can be so impudent as to tell his majesty, that we have done nothing for him. As to the second branch of this Slander: We acknowledge, with much thankfulness, that his majesty hath passed more good bills to the advantage of the subjects, than have been in many ages; but withal we cannot forget, that these venomous counsels did manifest themselves, in some endeavours, to hinder these good acts. And, for both houses of parliament, we may, with truth and modesty, say thus much, That we have ever been careful not to desire any thing that should weaken the crown, either in its proper ancient power, or the Ancient Parliament, for the matter of it, both not extend, to so much is, by law, we might to have required; there being two statutes still in force, for a parliament to be holden every year: for the manner of it, it is in the king's power that it shall never take effect, if he, by a timely summons, shall prevent any other way of assembling.—In the bill for Continuance of this present Parliament,' there seems to be some restraint of the royal power in all succeeding parliaments, yet not to take it out of the crown, but to suspend the execution of it for this time and occasion only, which was necessary for the king's own security and the public peace, that, without it, we could not have undertaken any of these great charges but must have left both the armies to disorder and confusion, and the whole kingdom to blood and rapine.—The Star-Chamber was much more fruitful in oppression than in profits; the great fines being, for the most part, given away, and the rest stinted at long times. The fines of the High Commission were, in themselves, unjust, and seldom or never came into the king's purse. These foundations of grievances, and many more, being generally instanced; in the rest there will be found so much as a shadow of prejudice to the crown.—They have sought to diminish our reputation with the people, and to bring us out of love with parliaments. The aspersions which they have attempted this way have been such as these, That we have spent much time, and done little, especially in those Grievances which concern Religion: that the parliament is a burthen to the kingdom, by the abundance of protections, which hinder justice and trade; and, by many Subsidies granted, much more heavy than any they formerly endured: to which there is a ready Answer. If the time spent in this parliament be considered in relation, backward, to the long growth and continuance of those Grievances, which we have removed; to the powerful supports of those Delinquents, which we have pursued; to the great necessities and other charges of the commonwealth, for which we have provided: or, if it be considered in relation, forward, to many great advantages, which not only the present, but future ages are like to reap by the good Laws and other proceedings in this parliament, we doubt not but it will be thought, by all indifferent judgments, that our time hath been much better employed than in a far greater proportion of time to many former parliaments put together. And the charges which have been laid upon the subject, and the other inconveniences which they have borne, will seem very light, in respect of the benefit they have had, and may receive. And for the matter of Protections: the parliament is so sensible of it, that therein they intend to give them whatsoever ease may stand with honour and justice; and are in a way of passing a bill to give them satisfaction.—They have sought, by many subtle practices, to cause jealousies and divisions betwixt us and our brethren of Scotland; by slandering their proceedings and intentions towards us, and, by secret endeavours, to instigate and incense them and us one against another. They have had such a party of Bishops and Popish Lords in the house of peers, as hath often put by the motion and delay in the proceedings of delinquents, and hindered the passing of divers good bills, passed in the Commons house, concerning the reformation of many great abuses and corruptions both of the church and state. They have laboured to seduce and corrupt some of the commons house, to draw them into conspiracies and combinations against the liberty of the parliament; and, by their instruments and agents, they have attempted to disaffect and discontent his majesty's army, and to engage it for the maintenance of their wicked and traiterous designs; the keeping up of Bishops in votes and functions, and, by force, to compel the parliament to order, limit, and dispose their proceedings in such manner as might best concur with the intentions of this dangerous and potent faction. And when one mischievous design and attempt of theirs, to bring on the army against the parliament and the city of London, had been dis-

—— prevented, they present under— —— of the same damnable nature— —— dition to it to endeavour [illegible] —— to any neutral, which they [illegible] —— they had [illegible] —— against us, which all [illegible] —— ions shall [illegible] —— ersion of our [illegible] —— of the government — Thus they have been continually practising, whilst the [illegible] —— the destruction, even of the king's dominions; and have even devised their emissaries and agents, in them all, for the promotion of their devilish designs, which the vigilancy of those who were well affected hath still discovered and defeated, besides the other rebellion in England and Scotland, and in Ireland, which was farther off, they have had time and opportunity to mould and prepare their work, and have brought it to that perfection, that they had possessed themselves of that whole kingdom; totally subverted the government of it, instead of religion, and destroyed all the Protestants, who (if conscience and their duty to God, their king and country, would not permit to join with them); all, by God's wonderful providence, their monstrous prize upon the city and castle of Dublin had not been detected and prevented, upon the very eve before it should have been executed. Notwithstanding, they have, in other parts of that kingdom, broken out into open rebellion, surprizing towns and castles; committing murders, rapes, and other villanies, and taken off all bonds of obedience to his majesty's the laws of the realm, and, in general, kindled such a fire, as no thing but God's immediate blessing upon the wisdom and endeavours of this state, will be able to quench. And certainly, had not God in his great mercy and this land, discovered and confounded their former designs, we had been the prologue to this tragedy in Ireland, and had, by this time, been made the lamentable spectacle of misery and confusion.— And now, what hope have we in God, when the only support of all these, and power of reformation, is put by him in the parliament? Be what can we the commons do, without the concurrence of the house of lords? And what concurrence can we expect there, where the Bishops and Recusant lords are so numerous and prevalent, that they are able to cross all the endeavours of reformation; and, by their votes, give advantage to the malignant party to traduce our proceedings? They infuse into the people, 'That we intend to root all church government, and leave every man to his own fancy for the service and worship of God, absolving him of that obedience which he owes, under God, unto his majesty;' whom we know to be intrusted with the ecclesiastical laws as well as with the temporal, to regulate all the members of the Church of England by rules of order and discipline as are established by parliament which laws can neither alter nor both in church and state. We confess our intention [illegible] truth, and our endeavours have been, to [illegible] within bounds that ravish that power which [illegible] prelates have assumed to themselves, so encroaching both to the Word of God, and to the laws of the land; to which end we [illegible] the help of the most learned and their several Power and Function in that, that the better they might, with meekness, apply themselves to the discharge of their functions which hath themselves opposed, and were the principal instruments of our [illegible]. And we do here declare, That it is far from our purpose or desire to let loose the golden reins of discipline and government in the church; to leave private persons, or particular congregations, to take up what form of divine service they [illegible], for we hold it requisite that there should be throughout the whole realm, a uniformity to that end; which is the law enjoins, according to the Word of God: and we desire to unburden the consciences of men of needless and superstitious ceremonies, suppress innovations, and to remove the monuments of idolatry. And the better to effect the intended reformation, we shall desire there may be a general view of the most grave pious, learned, and judicious divines of this island, assisted with some from foreign parts, professing the same religion with us, who may consider of all things necessary for the peace and good government of the church; and to present the results of their consultations unto the parliament, to be there allowed of and confirmed, and receive the stamp of authority, thereby to find passage and [illegible] who shall be [illegible]. —They have [illegible] that we intend to [illegible] learning,' whereas it is [illegible] our care and desire to advance it, and to provide a competent maintenance for conscionable and painful ministers throughout the kingdom, which will be a great encouragement to [illegible], and a special means whereby the [illegible], to which a great part of the clergy is now subject, will be prevented. And we intend likewise to reform and purge the fountains of learning, the Universities, that the streams flowing from thence may be clear and pure, and not corrupt the whole land. —It is here charged to blast our proceedings in parliament, by wresting the interpretations of our Orders from their genuine intention. They tell the people, 'That our meddling with the government of episcopacy, hath caused sectaries and contrarieties;' when Idolatry and Popish ceremonies, introduced into the church by the command of the bishops, have not only declared the people from thence, but expelled them from the kingdom. These, with Elijah, we are called by this malignant party, The Troublers of the State. And still while we endeavour to reform their abuses, they make us the authors of those mischiefs we study to prevent.—For the reformation of the work begun, and removing all future impediments, we conceive these courses will be very effectual, seeing the religion of the Papists hath such prin-

ciples as do certainly tend to the destruction and extirpation of all Protestants, when they shall have opportunity to effect it:—In the first place, it is necessary, to keep them in such condition, as that they may not be able to do us any hurt: and, for avoiding of such countenance and favour, as hath heretofore been shewed unto them, that his majesty be pleased to grant a standing commission to some choice men, named in parliament, who may take notice of their increase, their counsels, and proceedings, and use all due means, by execution of the laws, to prevent any mischievous designs against the peace and safety of this kingdom. 2dly, That some good course be taken to disanner the counterfeit and false conformity of Papists to the church; by colour whereof persons, very much dissaffected to the true religion, have been admitted into places of greatest authority and trust in the kingdom. 3dly, For the better preservation of the laws and liberties of the kingdom, that all illegal Grievances and Exactions be presented and punished at the sessions and assizes; and that Judges and Justices be careful to give this in charge to the Grand Jurs, and both the Sheriffs and Justices to be sworn to the due execution of the Statutes of Regin, and other laws. 4thly, That his majesty be humbly petitioned, by both houses, to employ such counsellors, ambassadors, and other ministers, in managing his business at home and abroad, as the parliament may have cause to confide in; without which we cannot give his majesty such Supplies for support of his own estate, nor such assistance to the Protestant party beyond the sea, as is desired.—It may often fall out that the commons may have just cause to take exceptions at some men for being counsellors, and yet not charge those men with crimes; for there be grounds of diffidence which lye not in proof, there are others which, though they may be proved, yet are not legally criminal. To be a known favourer of Papists; or to have been very forward in defending or countenancing some great offenders, questioned in parliament; or to speak contemptuously of either houses of parliament, or parliamentary proceedings; or such as are factors or agents for any foreign prince of another religion, such as are justly suspected to get counsellors places, or any other of trust concerning public employment for money. For all these, and divers others, we may have great reason to be earnest with his majesty not to put his great affairs into such hands, though we may be unwilling to proceed against them in any legal way of charge or impeachment. 5thly, That all counsellors of state may be sworn to observe the laws which concern the subject in his liberty, that they may likewise take an oath not to receive, or give, reward or pension to, or from, any foreign prince, but such as they within some reasonable time discover to the lords of his majesty's council, and although they should unlawfully possess themselves, yet it may herein do good, to make them known to be false and perjured to those who employ them, and thereby bring them into as little credit with them as with us.—That his majesty may have cause to be in love with good men, and good men, by shewing him, in an humble and dutiful manner, how full of advantage it would be to himself, to see his own estate settled in a plentiful condition to support his honour, to see his people united in ways of duty to him, and endeavours for the public good; to see happiness, wealth, peace, and safety derived to his own kingdom, and procured to his allies, by the influence of his own power and government. That all good course may be taken to unite the two kingdoms of England and Scotland, to be mutually aiding and assisting one another, for the common good of the island, and honour of both. To take away all differences among ourselves in matters indifferent in their own nature concerning Religion, and to unite ourselves against the common enemies; which are the better enabled, by our divisions, to destroy us, as they hope and have often endeavoured. To invite by all effects of friendship, to unite the foreign churches with us in the same cause; and to seek their liberty, safety, and prosperity, as bound thereunto, both by charity to them, and by wisdom for our own good; for, by this means, our strength shall be increased, and, by a mutual concurrence to the same common end, we shall be enabled to procure the good of the whole body of the Protestant profession. If these things may be observed, we doubt not but God will crown this parliament with such success, as shall be the beginning and foundation of more honour and happiness to his majesty, than ever was yet enjoyed by any of his royal predecessors."

The Speaker's Speech at presenting a Bill for Continuance of Tonnage and Poundage.] Dec. 2. The king came to the house of lords, and sending for the commons, the Speaker, with the whole house, came up with the bill of Tonnage and Poundage; which he delivered himself to the king in this speech *

"Most Dread Sovereign; The observation, taken from the unlike compositions and various motions of the world, made the philosophers conclude that 'Tum hujus mundi concordia ex discordibus constat.' The happy conjunction of both these natures, in the triumph and joy of your sacred presence, extracted from the different dispositions and opinions, give us cause to observe and admire these blessed effects from such contrary causes, we may, without flattery, commend your sacred majesty as the glorious instrument of this happy change, whose piety and prudence, directed by the hand of God, hath contracted this union from those various discords. The story of these times will seem paradoxes in following generations, when they shall hear of peace sprung from the root of dissention; of union planted

* From the original edition, printed by Joseph Hunscut.

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upon the stock of divisions; two armies in the field both ready to strike the first blow, and both united without a stroke. Nothing can reduce these truths into a belief, but the knowledge of your piety and justice, who have accomplished these acts of wonder, by goodness and gentleness, without force or violence. This way of conquest, this Bellum incruentum, hath been the rule of the most valiant and puissant monarchs; advancing their glory in the safeguard of one subject, more than in the death of a thousand enemies and thus have you erected a monument of glory to your sacred memory for all generations.—And as your care and piety for the welfare of your Northern kingdom, called you to that work, for the great comfort of your people, which your wisdom hath so happily consummated; so, now, the distemper of your other kingdom, tormented by the same spirit, whose presence admits no peace in Israel, calls on your providence to heal the diseases of that nation.—The one from whence you returned, hath, with Abel, though the younger brother, offered an acceptable sacrifice; the other, with Cain, hath erected altars for blood and revenge (the old immolations of the Levitical priesthood) which invokes the necessity of your justice: the one, to a natural hath added a politic brotherhood; the other, of brothers, I am sorry to say it, are become strangers. The fidelity of the one hath written a story of admiration to the world, the disloyalty of the other hath paralleled that horrid design, matchless before amongst all generations; 1st, In their intentions, the destruction of a kingdom, even when unity and peace were tying the knot of religion and safety. 2dly, In the discovery, a moment of time prevented the execution. 3dly, In the actors, Jesuits and Priests, without whom the malice of the Devil could not have found a party in the world, fitted to act over the like bloody tragedy.—But this, among the many joys we receive by your happy return, is not the least, That the same providence which protected that gracious king, your most religious father, from their bloody attemps, and increased the blessing of a long and happy reign, hath also defeaded your sacred throne from all their machinations.—Thus we see Religion is the greatest policy, the never-failing support of king and kingdom; that which firms you and your posterity to your throne, and our duty and obedience to it.—Give me leave here, most gracious sovereign, to sum up the sense of eleven months observation, without intermission scarce of a day, nay an hour in that day, to the hazard of life and fortune, and to reduce all into this conclusion, That the endeavours of your commons assembled, guided by your pious and religious example, is to preserve Religion in its purity, without mixture or composition, against these subtle invaders; and, with our lives and fortunes, to establish this throne to your sacred person, and those beams of majesty, your royal progeny, against all treason and rebellion.—The ways that conduce to this end, are the Defence of the Land and Sea; for the one we have already voted to raise Money for the other, this Bill, in some measure, will accomplish for a little time, and, to that end, I, by the command of the commons, humbly seek your royal assent."

The King's Speech to both Houses on his Return from Scotland.] When the Speaker had ended, and the royal assent given to the bill, the king himself spoke as follows

"My lords and gentlemen, I think it fit, after so long absence, at this first occasion to speak a few words unto you: but it is no ways in answer to Mr Speaker's learned speech. Albeit I have stayed longer than I expected to have done when I went away, yet, in this, I have kept my promise with you, that I have made all the haste back again, that the settling of my Scots affairs could any ways permit. In which I have had so good success, that I will confidently affirm to you, that I have left that nation a most peaceable and contented people, so that although I have a little miscreckoned in time, yet I was not deceived in my end. But if I have deceived your expectations a little, in the time of my return; yet I am assured, that my expectation is as much and more deceived, in the condition wherein I hoped to have found businesses at my return: for, since that, before my going, I settled the liberties of my subjects, and gave the laws a free and orderly course, I expected to have found my people reaping the fruits of these benefits, by living in quietness and satisfaction of mind.—But, instead of this, I find them disturbed with jealousies, frights, and alarms of dangerous designs and plots, in consequence of which guards have been set to defend both houses. I say not this, as in doubt that my subjects affections are any way lessened to me in this time of my absence, (for I cannot but remember, to my great comfort, the joyful reception I had now at my entry into London) but rather, as I hope, that my presence will easily disperse these fears; for I bring as perfect and true affections to my people as ever prince did, or as good subjects can possibly desire; and I am so far from repenting me of any act I have done this session for the good of my people, that I protest, if it were to do again, I would do it, and will yet grant what else can be justly desired for satisfaction in point of liberties, or in maintenance of the true religion that is here established.—Now, I have but one particular to recommend unto you at this time: it is Ireland, for which, though I doubt not your care, yet methinks, the preparations for it go but slowly on. The occasion is the fitter for me now to mention it, because of the arrival of two lords from Scotland, who come instructed from my council there, who now by act of parliament, hath full power for that purpose) to answer that demand, which it pleased both houses to make me, by way of Petition, that met me at Berwick, and which the duke of Richmond sent back, by my com-

[illegible] affection [illegible]

A[illegible] Dec 3 [illegible] speech [illegible] mission [illegible] bell in [illegible] some of [illegible] business [illegible] Leicester, [illegible] Howard of [illegible] lords, and [illegible] sir Philip Stre[illegible] commons, [illegible] ers, accomp[illegible] commons [illegible] entered in the [illegible] former sess[illegible]

Dec 8 The [illegible] "That it was his [illegible] suiter of, and pr[illegible] commissioners to t[illegible] Irish affairs, and [illegible] also set to into w[illegible] French ambassid[illegible] condemned this [illegible] imprisoned or b[illegible] coteil, because [illegible] ushers in Ireland [illegible] the advice of par[illegible]

The house of [illegible] tions or the h[illegible] only to make th[illegible] they could, to r[illegible] into Ireland, and [illegible] press the thank[illegible] dness in [illegible]

The Irish Inf[illegible] of their Rebe[illegible] informed, That the h[illegible] a Remonstrance [illegible] were, To hinder th[illegible] gion, and [illegible] &c. after a solemn[illegible] both lords and [illegible] never give [illegible] Popish religion, [illegible] majesty's dom[illegible] house of commons.

Sir *Benj Rud[illegible]* Speaker, I perceive [illegible] that toleration in religion [illegible] come in question [illegible] on the stage I am [illegible] religion is so nearly [illegible] not to take any civil or polit[illegible] into consideration reasons of state [illegible] almost eaten up all the laws and religion Christendom. I have often heard it disc[illegible] Whether we

[illegible] tion an instrument of any o[illegible] under God: Here in the wiser [illegible] more and richer, hetherto [illegible] of Papists would ever [illegible] I have been [illegible] opinion, that [illegible] assistance here so often [illegible] have not boldly and [illegible] Reasons. It may be God, w[illegible] with us with many [illegible] Shall the Irish [illegible] [illegible] of their rebellion [illegible] [illegible] [illegible]

...ttended ... upon the dispatch of ... upon ... this ... I ... to hear, and ... against, be ... business that I ... concern. I might now take up ... time in expressing my ... ...ion ... Council, one of this ... pertaining ... deeds, and not declaring ... is great resolution, I ... you whatsoever my ... Council, can contribute to ... ...ch concerning the ... ...ed which ... ...ing must be omitted ... ...ere ... ...ertain ... ...ering ... ...ere ... ...ere is the ... ...ch ... ...the ... ...ands of ... ...ed ... ...ere ... ...ere ... ...ere

...of the Popish party, we have and will ...with all the just desires of our people in a parliamentary way: that for the depriving of the Bishops of their Votes in parliament, we would have you consider that their right is grounded upon the fundamental law of the kingdom, and constitution of parliament. This we would have you consider; but since you desire our concurrence herein, in a parliamentary way, we will give no further Answer at this time —As for the abridging of the inordinate Power of the Clergy: we conceive that the taking away the High Commission Court hath well moderated that; but if there continue any usurpations or excesses in their jurisdictions, we therein neither have nor will protect them.—Unto that clause which concerneth Corruptions, as you style them, in Religion, in Church Government, and in Discipline; and the removing of such unnecessary Ceremonies as weak consciences might cheque at: that for any illegal Innovations, which may have crept in, we shall willingly concur in the removal of them. That in our parliament shall also use to call a National Synod, which may duly examine such ceremonies as give just cause of offence to any, we shall take it into consideration, and apply ourself to give due satisfaction therein; but we are very sorry to hear, in such general terms, Corruption in Religion objected; since we are persuaded in our conscience, that no church can be found upon the earth that professeth the true religion with more purity of doctrine than the church of England doth, nor where the government and discipline are jointly more beautified, and free from superstition, than as they are here established by law; which, by the grace of God, we will with constancy maintain, while we live, in their purity and glory, not only against all invasions of Popery, but also from the irreverence of those many Schismaticks and Separatists, wherewith, of late, this kingdom and this city abounds, to the great dishonour and hazard both of Church and State; for the suppression of whom, we require your timely and active assistance —To the second prayer of the Petition, concerning the Removal and Choice of Counsellors we know not any of our counsel to whom the character, set forth in the Petition, can belong. That, by those whom we have exposed to trial, we have already given you sufficient testimony that there is no man so near unto us in place or affection, whom we will not leave to the justice of the law, if you shall bring a particular charge and sufficient proofs against him; and of this we do again assure you: but, in the mean time, we wish you to forbear such general aspersions as may reflect upon all our council, since you name none in particular.—That for the Choice of our Counsellors and Ministers of State, it were to debar us that natural liberty all freemen have; and as it is the undoubted right of the crown of England, to call such persons to our secret councils, to public employment, and our particular service, as we shall think fit; so we are, and ever shall be, very careful to ... election of such persons in those places of ... as shall have given good testimonies of ... abilities and integrity, and against whom there can be no just cause of exception, wherein reasonably to ground a dislike; and in choices of this nature, we assure you that the mediation of the nearest unto us hath always concurred —To the third Prayer of your Petition, concerning Ireland: we understand your desire of not alienating the forfeited lands thereof to proceed from your much care and love, and likewise that it may be a resolution very fit for us to take; but whether it be seasonable to declare resolutions of that nature before the events of a war be seen, that we much doubt of. Howsoever, we cannot but thank you for this care, and your chearful engagement for the suppression of that Rebellion; upon the speedy effecting whereof, the glory of God in the Protestant profession, the safety of the British there, our honour, and that of the nation so much depends; all the interests of the kingdom being so involved in that business, we cannot but quicken your affections therein, and shall desire you to frame your counsels, and to give such expedition in the work, as the nature thereof, and the pressure in point of time, requires; and whereof you are put in mind by the daily insolence and increase of those rebels —For conclusion, you promise to apply yourselves to such courses as may support our royal estate with honour and plenty at home, and with power and reputation abroad: this is that which we have ever promised ourself, both from your loyalties and affections, and also for what we have already done, and shall daily go adding unto, for the comfort and happiness of our people."

His MAJESTY's DECLARATION to all his loving Subjects, published with the Advice of his Privy Council, in ANSWER to the REMONSTRANCE of the Commons, (p. 946)

"Although we do not believe that our house of commons intended, by their Remonstrance of the State of the Kingdom, to put us to any apology, either for our past or present actions, notwithstanding, since they have thought it very necessary, upon their observation of the present distempers, to publish the same, to the satisfaction of all our loving subjects, we thought it very suitable to the duty of our place with which God hath trusted us, to do our part to so good a work; in which we shall not think below our kingly dignity to descend to any particular, which may compose and settle the affections of our meanest subjects; since we are so conscious to ourself of such upright intentions and endeavours, and only of such, for which we give God thanks, for the peace and happiness of our kingdom, in which the prosperity of our subjects must be included, that we wish from our heart, that even our most secret thoughts were published to their view and examination: though we must confess, we cannot but be very sorry in this conjuncture ...

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...ther, ... unhappi... kingdom ... ge... ...stood ... ... should ... bi... ...ty of publish... ...o mini... ...particular ... ...which, we pray no invention ... ...ce that were not intended. — We ... ... pass over that part of the ... ...ect in the misfortunes of this ... ...first entering to the crown ... ...t this parliament, are rehearsed ... ...several expressions and that other, which ... ...ugh the many good laws, passed by ... ...ce and honour, in this parliament, for the ... ...s of our people, of which we shall ... ...much, That as we have not refused to ... ...ny bill presented to us by our parliament for redress of those Grievances mentioned in the Remonstrance, so we have not had a greater motive for the passing those laws than our own resolution, grounded upon our observation, and understanding the state of the kingdom, to have freed our subjects, for the future, from those pressures which were grievous to them, if those laws had not been propounded, which, therefore, we shall as inviolable maintain, as we look to have our own rights preserved, not doubting but all our loving subjects will look on those Remedies with that full gratitude and affection, that even the memory of what they have formerly undergone by the accidents and necessities of those times, will not be unpleasant to them, and, possibly, in a gross sense of God's blessing upon this nation, how little share soever we shall have of the acknowledgment, they will confess they have enjoyed a great measure of happiness, even these last 16 years, both in peace and plenty, not only comparatively in respect of their neighbours, but even of those times which were justly accounted fortunate — The fears and jealousies, which may make some impression in the minds of our people, we will suppose may be of two sorts; either for Religion, or Liberty, and their Civil Interests. The fears for Religion may haply be, not only as ours here established may be invaded by the Romish party, but as it is accompanied with some Ceremonies, at which some tender consciences really are, or pretend to be, scandalized, for of any other which have been used without any legal warrant or injunction, and already are, or speedily may be abolished, we shall not speak — Concerning Religion as there may be any suspicion of favour or inclination to the Papists, we are willing to declare to all the world, That as we have been, from our childhood, brought up in, and practised the religion now established in this kingdom, so it is well known we have, ... contented simply with the principles of our education, given a good proportion at our time and pains, to the examination of the grounds of this religion, as it is different from that of Rome; and are, from our soul, so fully satisfied and assured that it is the most pure and agreeable to the sacred Word of God, of any religion now practised in the Christian world, that as we believe we can maintain the same ... as unanswerable ... ...ld ... this sentence ... ...t ... ...ple ... God ... ...and therefore nothing ... ...us, to any ... ...to the admi... ...ment of it abroad, ...down all blessing ... ...and this nation ... ...unfortunate if this ... ...ing to our people, our counsel ... in our own person being always ... ...ation, as much to the ... ...and duty herein, as we can ... ...express. — For differences ... ...for matters indifferent in their ... ...concerning Religion, we shall, ...s to any number of our loving subjects ... ...lingly comply with the advice ... ...parliament, that some law may be made ... ...exemption of tender consciences from ... ...ment or prosecution for such ... ...nities, and in such cases, which, by the judgment of men, are held to be matters indifferent, and at some to be absolutely unlawful, provided that this ease be interpreted and pursued with such modesty, temper, and submission of ... ... in the mean time, the peace and quiet of the kingdom be not disturbed, the decency and comeliness of God's service ... maintained, and the pious, sober, and decent actions of those ... and persons who were the best ... in the blessed Reformation of that time, be scandalized and defaced. Which we cannot, without grief of heart, and without some fear upon ourselves and our ministers for the not executing of our laws, look upon the bold licence of some men, in printing of pamphlets in preaching and printing of sermons, so full of bitterness and malice against the present government and the laws established, so full of sedition against which and the peace of the kingdom, that we are many times amazed to consider by what eyes these things are seen, and by what ears they are heard, and therefore we have good cause to command, as we have done, and hereby do, all our judges and ministers of justice, our attorney and solicitor general, and the rest of our learned counsel, to proceed with all speed against such and their abettors, who, either by writing or words, have so boldly and maliciously violated the laws, disturbed the peace of the commonwealth, and, as much as in them lies, shaken the very foundation upon which that peace and happiness is founded and constituted. And we doubt not but all our loving subjects will be very sensible that this busy, virulent, demeanor is a fit prologue to nothing but confusion, and, if not very seasonably punished and prevented, will not only be a blemish to that wholesome accommodation we intend, but an unspeakable scandal and imputation even upon the profession and religion of this our kingdom of England. — Concerning the Civil Liberties and Interests of our Subjects, we shall need to say the less, having erected

mation and recommendation in here; so, since our return [illegible] been forward to all things proposed to us to[illegible] that we lately, ourself, [illegible] house of peers, and [illegible] of commons, to take [illegible] speedily, 10,000 English [illegible] service, with [illegible] commons [illegible] will pay them, which [illegible] manner, [illegible] are informed that [illegible] sons hath whispered [illegible] specches advancing of [illegible] ceeded from some [illegible] great work; whereas we [illegible] crime against Almighty God [illegible] to our good subjects of [illegible] we did not, to the utmost, employ [illegible] ers and faculties to the speedy [illegible] fectual assistance and [illegible] tressed people.—And we [illegible] our good subjects, of [illegible] all the bonds of love, duty, [illegible] are precious in good men, to [illegible] the recovery [illegible] the peace of [illegible] the preservation of the peace [illegible] all their doubts and fears which may [illegible] their affection to us, and all their jealousies and apprehensions which may lessen [illegible] charity to each other, and then, if the [illegible] this nation have not prepared [illegible] judgment for us all, God will yet make [illegible] great and glorious king, over a free and happy people."

Protestation of both Houses on the King's Speech and *the Pressing Bill*] Dec 16. The committees appointed by both houses, brought in the form of a Protestation and a Petitional Remonstrance to the king, occasioned by his late speech relating to the Press Act, which, being read, were agreed to, and ordered to be entered in their Journals. The first was in these words

"Whereas his most excellent majesty did, upon Tuesday last, in full parliament, in a speech to both houses, take notice of a Bill for impressing Soldiers being in agitation in the said houses, and not agreed upon; and did offer a salvo jure, or provisional clause, to be added to the said bill; and did at the same time declare his displeasure against some person or persons, which had moved some doubt or question concerning the same: the lords and commons do protest and declare, That such his majesty's speech is contrary to the fundamental, antient, and undoubted liberty and privilege of parliament; and that it doth of right belong unto them, amongst other privileges of the high court of parliament, that the king ought not to take notice of any matter in agitation or debate, in either of the houses of parliament, but by their information or agreement, and that his majesty ought not to propound any condition, provision, or limitation to any bill or act, in debate or preparation, in either house of parliament; or to manifest or [illegible] declarement."

Remonstrance and Petition on the same Subject] Dec 17. The archbishop of York, with 17 lords and 40 commoners, waited on the king, at White Hall, with their Petitionary Remonstrance; which was read to him, in these words

"To the king's most excellent majesty; The Humble Remonstrance and Petition of the Lords and Commons in Parliament

"Most Gracious Sovereign; Your majesty's most humble and loyal subjects, the lords and commons in parliament, do with all faithfulness and zeal to your majesty's service, acknowledge your royal favour and protection to be a great blessing and security to them, for the enjoying and preserving of all those public and private liberties and privileges which belong unto them: and, whensoever those liberties or privileges shall be invaded or broken, they hold themselves bound, with humility and confidence, to trust to your princely justice for redress and satisfaction. And, because the rights and privileges of parliament are the birth-right and inheritance, not only of themselves, but of the whole kingdom, wherein

* Lord Clarendon tells us, That Mr. Solicitor St. John advised the king to come to the house upon this occasion; and that what the king said were the very words he had proposed to him. Vol. I. fol. ed. p. 258.

every one of your subjects is intitled, (the maintenance and preservation whereof hath very highly conduce to the public peace and prosperity of your majesty, and all your people) they conceive themselves more especially obliged, with all readiness and constancy of resolution and endeavours, to maintain and defend the same. — Amongst other the privileges of parliament, they do, with all dutiful reverence to your most excellent majy declare, That it is their antient and undoubted right, that your maj ought not to take notice of any matter in agitation and debate in either of the houses of parliament, but by their information or agreement, and that your maj. ought not to propound any condition, provision, or limitation to any bill or act in debate or preparation in either house of parliament or to manifest or declare your consent or dissent, approbation or dislike of the same, before it be presented to your maj in due course of parliament; and that every particular member of either house hath free liberty of speech to propound or debate any matter, according to the order and course of parliament, and that your maj. ought not to conceive displeasure against any man for such opinions and propositions as shall be in such debate; it belonging to the several houses of parliament respectively to judge and determine such errors and offences, which, in words or actions, shall be committed by any of their members, in the handling or debating any matters there depending. They do further declare, That all the privileges above mentioned have been lately broken, to so great a grievance to your most humble and faithful subjects, in that speech which your maj. made in parliament to both houses upon the 14th day of this month of Dec in that your maj. did threaten take notice of a Bill for impressing of soldiers, being in agitation in the said houses, and not agreed upon; and that your maj did thereon offer a salvo jure, or provisional clause, to be added to that bill, before it was presented to your maj. by the consent of both houses; and did at the same time, declare your displeasure against such person or persons, as had moved some doubt or question concerning the same bill till which they do affirm and declare to be against the antient, lawful, and undoubted privilege and liberty of parliament — And, further, they most humbly beseech your maj. by your royal power and authority, to maintain and protect them in these and other the privileges of your high court of parliament, that you will not for the time to come, break or interrupt the same, and that none of your loyal subjects may suffer and sustain any prejudice in your majesty's favour, or good opinion, for any thing done or spoken in parliament and, for the reparation of your loyal subjects in this just grievance and complaint for the breaches of their privileges above-mentioned, and prevention of the like for the time to come, that your maj. will be pleased to declare, and make known, the name or names of the person or persons by whose misinformation and evil counsel your maj was induced to the same, that so he or they may receive condign punishment, as shall appertain to justice in that behalf. And this they most humbly desire, as your greatest and most faithful council, and advise your maj to perform; as that which will be not only a comfort to themselves, but likewise a great advantage to your maj by procuring and confirming such a confidence and unity betwixt your maj. and your people, as may be a foundation of honour, safety, and happiness, to your person, and your throne, as they are bound always to pray for, and endeavour."

After the lords returned to their house, the archbishop of York reported, That they had waited on the king with the Remonstrance; and his majesty said 'He would send an Answer to it, in writing, in convenient time.' But Mr. Pym's report of it in the house of commons was more particular; He said, "That the committee had a sudden admittance and a gracious acceptance: that his majesty said, 'As it had taken some time to prepare, so he would take some time to answer it, and that, lest there might be some mistakes in words, he would give his Answer in writing'

Dec 18. A message was brought from the commons to accuse Daniel O'Neal, esq of High Treason; and that the commons would bring up particular Articles against him in due time upon which the said O'Neal was brought to the bar of the lords, and committed to the gatehouse.

The King's Answer to the Remonstrance.] Dec. 20. A committee of lords and commons was ordered to attend the king, at White-Hall, to receive his majesty's Answer to the late Remonstrance; which was soon after read to the lords, in hec verba.

"My lords and gentlemen, In answer to your Petition, concerning our speech to both houses the 14th of Dec last, we do declare, first, That we had no thought or intention of breaking the privileges of parliament; neither are we satisfied, that our being informed of any bill transmitted by the house of commons to the house of peers, especially where our learned counsel are admitted, by the peers, to speak on our behalf, as they were in this case, and therefore our direction necessary therein, can be judged any breach of the privileges of parliament — And as to our taking notice thereof and desiring the insertion of a saving clause of our rights, we neither willingly nor knowingly did any thing to the breach of the privileges of parliament, but what we did therein was out of the great zeal we had, and ever shall have, to thr suppressing the Rebellion in Ireland, the quick dispatch of which bill contributed so much to the effecting thereof; and it could not but have received great delay, had it passed both houses in a way we could not have given our royal assent to — Neither had we any intention to express our displeasure against any particular man, for any opinion or propositions

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red, by way of debate, in either house; our intention was to express a general dislike of any questions, that should be raised, chiefly at this time, concerning our prerogative and the liberty of the subject, such as this being but a preamble, which might be left without prejudice to the claim, and could be approved by us, without concluding our —As to the last demand, That we should the persons that gave us information; no great wonder that we should get information of the contents of the bill, since they published in print before we spoke of them. Yet, though we should have got notice otherwise, it is a thing much beneath us to name any that should give us information or counsel; it being that which we do not impose upon any person of honour.—Our conclusion is, That we had not the least thought of breaking the privileges of parliament, but shall, by our royal authority, ever protect and uphold them, and we expect, that you will be as careful not to trench upon our just prerogative, as we will not infringe your just liberties and privileges: and then there will be little disagreement, hereafter, between us in that point."

This being read to the house, the lords ordered, "That a transcript of the king's Answer should be sent down to the commons, and that it should be taken into consideration, by themselves, on the 23d."

Further Proceedings towards suppressing the Rebellion in Ireland.] Dec. 21. Sir Philip Stapylton was sent up with a message to the lords importing, "That the commons had, in the last conference, laid before their lordships the miserable state of that kingdom, and desired them to take the business into speedy consideration: that they now understand that Dublin is in great danger to be lost, 600 men being cut off by the Rebels in going to relieve a Tredah, the commons therefore desire that all means may be used for the preservation of that kingdom: and they conceive the best way to do it is by way of diversion, to send the Scots into the province of Ulster, speedily: therefore that house desired their lordships to join with them in the Propositions received from the Scots commissioners for that purpose: the commons declaring, That, if there be any omission, they desire to clear themselves from any thing that may fall in Ireland."—Upon this the lords voted, That 10,000 English soldiers were necessary to be sent, with as many Scots, into Ireland; but mistrusting that the commons would not agree to this, at a conference this day, the lords made the following Propositions to the other house. "1. They desired to know what certainty that house would give this, that if the Proposition concerning the present going of 10,000 Scots, be agreed unto, 10,000 English may speedily follow. 2. Whether they would concur with this house, that one army should go as soon as the other, and that the king may be moved to give his assent to it."—The commons taking these Propositions into consideration, at another conference the same day, returned for answer. "1. For the certainty which their lordships desire of sending 10,000 English into Ireland, the commons say, It is not the course of parliament, nor hath been practised for one house to capitulate with the other that their actions are free, as without conditions, so without capitulation, and the house of commons desire it may be so no more. 2. The commons think they have given sufficient certainty already, having formerly voted the sending over 10,000 English, and transmitted the same to their lordships: therefore they think it not necessary to vote it again: but do desire their lordships would vote the sending of 10,000 Scots over, by itself, without any relation to the English, and that speedily, the safety of Ireland depending upon it, for they conceive the 10,000 English cannot go until the Press Act passes."

After the hearing of this, the lords went into a debate of the matter, and came to this Resolution, "That 10,000 English and 10,000 Scots shall be sent into Ireland;" and some members of the other house waiting in the Painted Chamber for an Answer, the lords sent to acquaint them with this vote. It was likewise ordered by the lords, "That the committee for keeping a good correspondency between both houses, should meet on Friday, to take into consideration this last message from the commons."

Proceedings on the Dismissal of the Lieutenant of the Tower.] Dec. 23. This day, another circumstance occurred, which occasioned a fresh rupture between the two houses. The house of commons represented to the lords, That they had received information that sir Wm. Balfour, late lieutenant of the Tower of London, approved for his fidelity, was put out of his place, and one colonel Lunsford put in, a man very unfit to be trusted with a post of that importance.—To back this, the commons sent up a Petition from divers common-councilmen and others of the city, giving a very bad character of the said colonel, and at which they instanced some circumstances. That he was a man of decayed and desperate fortune, an outlaw; and one suspected to be not right in his religion, since, in the time he was an officer in the king's army in the North, he did not go to church, though desired: therefore they requested the lords to join with them in a Petition to the king, to remove him, and put sir John Conyers in his room. After a long debate, next day, on this affair, the question was put, Whether that house should join with the commons in the matter of this Petition? It was resolved in the negative; and ordered that they should be acquainted therewith. The reason of the lords refusing to join in this Petition, was, That they took the placing or displacing of the king's officers to be a branch of his prerogative, and therefore they would not meddle with it.

The commons, on this refusal, passed the following vote. Resolved, nem. con. "That this house holds colonel Lunsford unfit to be,

or continue, lieutenant of the Tower, as being a person whom the commons of England cannot confide in." Another conference was also held upon this subject, which was thus reported by the lord keeper, "That the commons greatly desired, that both houses might have joined together in an humble Petition to his majesty, for removing colonel Lunsford from being lieutenant of the Tower That they say, they and all consequences arising by his being in that office, for inconveniencies have already withdrawn their bodies out of the mint, and strangers, who have ships lately come with great store of bullion, do forbear to bring it into the mint, because he is lieutenant of the Tower, and, by this means, armies will be forced to come by, which will be prejudicial and destructive to the pressing affairs of Ireland. The commons took it much to heart, that their lordships did not join with them to petition his majesty hereupon they have made a Declaration for themselves, and desire that the same may be entered into the Journal-Book of this house, as they have done the like in their house," which was read in these words

"We the knights, citizens, and burgesses of the commons house of parliament, being very sensible of the great and imminent danger of the kingdom, through the designs of the Papists, and other persons disaffected to the public peace, and finding, by frequent and imminent symptoms, that the same grow either near to maturity, amongst which we reckon this not to be the least, That the Tower, being a place of such importance to the safety of the city and the whole kingdom, should be put into the hands of a man so unworthy, and of so dangerous a disposition, as, by divers testimonies, colonel Lunsford is affirmed to be; which caused us yesterday, upon the Petition of the city of London, to desire your lordships to join with us in an humble suit to his majesty, that a place of that great consequence might not be disposed in such a manner as to hazard the safety, peace, and content of the city and of the whole kingdom; and, perceiving that your lordships have refused to join with us in so important and necessary a request, do hereby declare, before God and the whole kingdom, That, from the beginning of this parliament, we have done our uttermost to preserve the state from ruin; and having, through God's blessing, prevailed so far, that the design of the Irish army of Papists; the other designs of bringing up the English army, several times attempted; a former plot of possessing the Tower, without which treason could not be so mischievous to the state, were all prevented; although strongly bent to the destruction of religion, the parliament and the commonwealth we do now find ourselves encountered with as great difficulty as ever, the Papists rebellion in Ireland giving such encouragement to the malignant party here, and they likewise receiving such advantage, by the delays and interruptions which we have received in the house of peers, as we conceive by the great number of Bishops and Papists notoriously disaffected to the [illegible] good and do therefore hold ourselves [illegible] in conscience to declare and protest, That we are innocent of the blood which is like to be spilt, and of the confusions which may [illegible] within this state, if this person be continued in his charge; and do intend to resort to his majesty, in an humble Petition, that he will be pleased to afford us his royal protection, that the kingdom and ourselves may be preserved from this wicked and dangerous design, and that he will grant such commissions and instructions as may be unable us to defend his royal person, and his loyal subjects, from the cruelty and rage of the Papists, who have long plotted and endeavoured to bring in a bloody change of religion, to the apparent ruin of the whole kingdom, and if any of your lordships have the same apprehensions that we have, we hope they will likewise take some course to make the same known to his majesty; and will further do what appertains to persons of honour and fidelity for the common good."

After the reading of this paper it was moved, by some lords, to adjourn the debate of this matter till the 27th, others proposed it might be debated presently. And the question being put, Whether the debate upon this report shall be put off until the 27th or not? It was resolved in the affirmative. Whereupon the following Protest was entered in their Journals

"In respect the conference brought up, and reported from the house of commons, doth, as it is thereby declared, concern the instant good and safety of the king and kingdoms; we do protest against the deferring of the debate thereof until Monday, to the end to discharge ourselves of any ill consequence that may happen. (Signed) Northumberland, lord admiral; Essex, lord chamberlain; Pembroke, Bedford, Warwick, Bolingbroke, Newport, Say and Sele, Suffolk, Carliste, Holland, Clare, Stamford, Wharton, St. John, Spencer, North, Kymbolton, Brook, Grey de Werke, Roberts, Howard de Escrick"

Complaint concerning a Report of some Members being in a Plot for seizing the Queen.] Dec. 27. This day another affair was started in the house of lords. Information was given to that house, that some members of both houses have had false rumours reported of them That during the time the king was last in Scotland, it was told the queen, That, at a meeting at Kensington, (where the earl of Essex, the earl of Newport, the lord Say and Sele, the lord Mandeville, the lord Wharton, members of this house; and the lord Dungarvan, Mr N. Fiennes, sir John Clotworthy, and Mr. John Pym, members of the house of commons, were present) upon a discourse of Plots that should be done in this kingdom or in Scotland, the earl of Newport should say, "If there be such a Plot, yet here are the wife and children," meaning that the persons of the queen and of her children should be seized upon.—Upon this the earl of Newport stood up,

Parliamentary Archives

and gave the house this account, That, hearing of such an information which had been presented to the queen, he went with some other lords and waited on her majesty, and, with many protestations, assured her, That never in such words were spoken, nor the least thought thereof conceived of any such fact, with which the queen seemed to rest satisfied but, upon Friday last, his majesty asked him, 'Whether he heard any debate at Kensington, about seizing upon the Queen and her Children,' which his lordship denying, his majesty replied again, 'That he was sorry for his lordship's ill memory'—the house considering this information to be of consequence, and, because several members of the commons were concerned in it, resolved to have a conference with that house about it, that so they might search into this business, and that the bottom of it might be found out, and the reporter of this false rumour brought to condign punishment and the lord mayor of York, the lord admiral, earl of Bristol, earl of Holland, lord Roberts, and lord Savil, were ordered to draw up heads for that conference.

The Petition of both Houses thereupon.] Dec. 28. Mr. Glynn presented, from the committee appointed to meet with a committee of lords, for the drawing of a Petition to be presented unto his majesty, concerning a scandal laid upon some members of both houses, a Petition, in hæc verba, which was agreed unto.

"To the King's most Excellent Majesty. The humble PETITION of the Lords and Commons in this present Parliament assembled.

"Whereas, during the time of your majesty's last being in Scotland, the queen's majesty received information, That, at a meeting in Kensington, where the earl of Essex, the earl of Newport, the lord Say and Sele, the lord Mandeville, the lord Wharton, members of the lords' house, the lord Dungarvon, Mr. Nath. Fiennes, sir John Clotworthy, and Mr. John Pym, members of the house of commons, were all present, when a discourse of some Plots, that should be done in this kingdom, or in Scotland, the earl of Newport should say, 'If there be such a Plot, yet here are his wife and children,' insinuating the same to signify, that the persons of her majesty, and her children, should be seized upon. And whereas your majesty, upon Friday last, was pleased to demand of the earl of Newport, 'Whether his lordship heard any debate at Kensington, about seizing upon the Queen and her Children,' which when his lordship had denied, with many and deep asseverations, your majesty replied again, 'That he was to tell your majesty no more than you knew already' and therefore should consider well what he should insert and his lordship denying it the second time, your majesty, parting from him, replied, 'You were sorry for his ill memory,' seeming thereby to give credit to that information. Which information and report tend[ed] to the great scandal of the members of both houses of parliament before named, but expresses an endeavour to stir up jealousies and work a division, between your majesty and your parliament. It is therefore the humble suit and most earnest desire of the lords and commons in this parliament, That your majesty will be graciously pleased to declare who was the reporter, or reporters of those words pretended to be spoken at Kensington by the earl of Newport; and that your majesty will be likewise pleased to cause her majesty to discover who acquainted her therewith: and this, as your greatest and most faithful council, they advise your majesty to perform, the exigency of the affairs of both kingdoms being such as necessarily require a timely remedy, which cannot expect any prosperity of success, without a right understanding between your majesty and the parliament: the only way of effecting wherein is, by the present discovery and removal of ill counsels and false informers, which, to our great grief, we have, by experience found both too frequent and active in these dangerous times."

The King's Answer.] This Petition having been presented to the king, his majesty returned the following Answer:—

"My lords and gentlemen, It is true that I have heard rumours of such expressions that should have been made at Kensington for the seizing of the persons of me and my children: And, in things of such a nature, it may be fit for any prince to inquire even where he hath no belief nor persuasion of the thing, so I have asked Newport some questions concerning that business but I[n] in that way of expressing a belief of the thing, which Newport hath had the boldness and confidence to affirm, which I could easily make appear, but I think it beneath me to contest with any particular person. But let this suffice, that I assure you, I neither did nor do give credit to any such rumour. As to the name of him who informed me, I refer you to the Answer which I gave to your last Petition upon the like particular."

The Riots and Tumults about the Parliament increase.] Multitudes of people being this day assembled, in a tumultuous manner, about both houses of parliament, to the number of which was 'No Bishops' No bishops in any array consent, in which some gentlemen of the opposite party drew their swords, and wounded some of the multitude: [illegible] sent to desire a conference with the other house on these heads. 1. To join in petitions to the king with them. 2. To join with them in a Declaration to be printed and published, of the grounds of the resolution of the people in coming down, and the leaders about the houses of parliament." The house

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[1] Lord Clarendon says: "That upon the receipt of this message from the house of commons, some members urged, 'That they must not discourage their friends, thus long time they must make one of all friends.' Mr. Pym [illegible]

to declare his majesty, That the houses of parliament may have a Guard, and that the commons would give an Answer with such speed as the necessity of the occasion required.—This day, also, it was resolved by the lords, "That this parliament is a free parliament at this present."

Dec 29 The lords ordered the sheriffs of London and Middlesex, and some of the justices of peace for Westminster, to attend their house, and give reasons why they had neglected to prevent the coming of the concourse of people to that place, and why they have neglected to observe the king's writ, for suppressing and preventing of tumults and riots. They answered, 'That the justices of the peace opened the writ, and granted out warrants to the constables, who sent guards to the houses of parliament; and, upon this, they were questioned by the commons, and the Guards dismissed' Hereupon the Judges were ordered to withdraw, to consider what was fit to be done; who returned for Answer, 'That the best way to suppress tumults, was to put in execution the statute of 13 Henry 4. c 7.' This not being thought sufficient, they were again asked, What was the usual practice, in other courts, to prevent tumults and routs? The Judges said, 'That it was usual in their courts, at assizes, to prevent such disorders, for the sheriff of the county to attend all the while, with a competent number of men' Upon which the lords ordered, 'That the under sheriff of Middlesex, and two of the justices of peace for Westminster, should hereafter attend this house, de die in diem, and receive directions from them for the suppressing of such tumults.'

Mr. Smith's Speech on the Riots, &c.[1] In a debate of the house of commons this day, on these riotous proceedings, we meet with a speech of one

Mr *Smith*, in these words "' Mr Speaker; The business we have now in agitation (concerning the Irish affairs, and the Treaty with the Scots commissioners for their timely assistance of aid, being to be determined this day) is of great consequence and weight; even of such importance, that I have not read of greater When the greatest troubles were in that kingdom, in queen Elizabeth's reign, of good memory, these troubles, being comparatively smuttized with them, are of far greater danger and I would to God we might so agree with the lords, that a speedy concurrence might be had with the Scots, towards the relief of Ireland. Yet, notwithstanding, Mr Speaker, the greatness of this rebellion, and most outrageous cruelties committed daily by the rebels, hazarding nearly the loss of that kingdom, without speedy help, (which takes up all our debates and arguments) if we remove out thereuith all such impediments here at home as do hinder our speedy proceeding, not only in that business, but in the settling of the peace and quiet of this kingdom, all our endeavours to the suppressing the rebels in Ireland will little avail —Mr Speaker, under favour of this hon assembly, I intend to give you a touch of such lets which do much hinder us, as I conceive, in expediting the great affairs of church and state, and our proceedings against incendiaries and delinquents in the same. We have duly, you know, Mr Speaker, received Petitions from the citizens of London, some of them having been delivered by good hands, and men of good worth and quality; which we have willingly taken, and I doubt not but we shall, in due time, give them good satisfaction to answering of them Likewise we have received petitions from abrupt and disorderly persons, without any matter that may deserve our consideration; but are fitter to be rejected, as I, under favour, conceive. But, that which I intend to intimate to you, as the greatest stop to our proceedings, is the riotous and tumultuous assembly of vain and idle persons; who presume to hegirt our house, not only in an irregular manner to prefer their petitions, but, with open clamour, would prescribe us what laws to enact, and what not; what persons to prosecute, and who not These tumultuous persons take up a great deal of our precious time to answering and appeasing them; when, as I conceive, other business, more neatly concerning the welfare and security of his sacred majesty and his kingdoms, lies even as it were gasping, and ready to perish for want of our timely assistance —Mr Speaker, our patience; I persuade myself, is one of the greatest causes that animates and encourages these illegal outrages; and if some rebukes were ministered from the house to them, they would not, surely, be so audacious. It is true, that their trading is decayed, and it is hard for many of them to subsist with their families, occasioned by our slow proceedings against delinquents; the reason whereof they are incapable of judging, neither, as I conceive, should they be much acquainted with, otherwise than to understand that their unsensonable nod unfitting repair of this house is one principal cause thereof. Therefore, sir, I conceive, the best and speediest means for suppressing of these Tumults will be, to have a strict guard kept about the house, with a commund not only, by persuasion, to avert their resort hither, but to shoot at them, if they obstinately refuse to be persuaded; and likewise that, in the city of London and suburbs, diligent search may be made for Papists and Recusants, by some trusty officers appointed by the house for that purpose, who shall apprehend them, if they find them armed with any weapons, and bring them before a committee for examination, appointed for that purpose: for, Mr. Speaker, Papists, as well as others, resort hither from several places, as I am informed, which these tumultuous

himself saying, 'God forbid the house of commons should proceed in any way to dishearten people to obtain their just desires in such a way'

[1] From the original edition printed by Abel Roper, 1641.

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persons pretend is one great cause of their meeting here; and when they perceive that Papists and Recusants are prosecuted according to the laws of this kingdom, in that case enacted, they will have less cause to trouble us. This is my humble motion —And truly, sir, if I may speak my mind herein, I persuade myself, that unless the laws be put in execution, and that with severity and speed, against some of the greatest Recusants, to make them exemplary to the rest, neither this city, nor other places of this kingdom, can be secure from their devilish practices and plots, and that our too favourable proceeding against them, if so continued, may cause our too late repentance, if any of their perverse and wicked stratagems should take effect, which God forbid. And I heartily wish that such course may be taken, by the blessing of the Almighty on our endeavours, that all the inhabitants of his majesty's kingdoms, that are true Christians and loyal subjects, may for ever lye down in peace and rise in safety, to which I shall always say, Amen.'

Bp Hall's Speech in Defence of the Church and Clergy.] We find also a speech made by bishop Hall, about this time, in the house of lords, but the day is not mentioned. This speech is the last made in that house by one of his order. * —'My Lords; I have long held my peace, and meant to have done so still, but now, like to Croesus's mute son, I must break silence. I humbly beseech your lordships to give me leave to take this too just occasion to move your lordships to take into your deep and serious consideration, the woful and lamentable condition of the poor Church of England, your dear mother. My lords, this was not wont to be her style we have heretofore talked of the famous and flourishing church of England; but now your lordships must give me leave to say, that the poor church of England humbly prostrates herself at your lordships feet, (next under his sacred majesty) and humbly craves your compassion and present aid —My lords, it is a foul and dangerous insolence this, which is now complained of to you, but it is but one of a hundred of those which have been of late done to this church and government. The church of England, as your lordships cannot chuse but know, hath been, and is miserably infested on both sides; with Papists on the one side, and Schismatieks on the other. The Psalmist hath, of old, distinguished the enemies of it into wild boars out of the wood, and little foxes out of the boroughs; the one whereof goes about to root up the very foundation of religion; the other, to crop the branches, and blossoms, and clusters thereof; both of them conspire the utter ruin and devastation of it. As for the former of them, I do perceive a great deal of good zeal for the remedy and suppression of them; and I do heartily congratulate it, and bless God for it, and beseech him to prosper it in those hands who shall undertake and prosecute it, but afor the other, give me leave to say, I do not find many that are sensible of the danger of it, which yet, in my apprehension, is very great and apparent —Alas! my lords, I beseech you to consider what it is that there should be in London, and the suburbs and liberties, no fewer than fourscore congregations of several sectaries, as I have been too credibly informed, instructed by guides fit for them, cobblers, taylors, felt-makers, and such like trash, which all are taught to spit in the face of their mother, the church of England, and to defy and revile her government. From hence have issued those dangerous assaults of our church and governors; from hence that inundation of base and scurrilous libels and pamphlets, wherewith we have been of late over-borne, in which Papists and Prelatics like oxen in a yoke, are still matched together. Oh, my lords! I beseech you that you will be sensible of this great indignity. And but look upon these reverend persons — do not your lordships see here sitting upon these benches, those that have spent their time, their strength, their bodies, and lives, in preaching down, in writing down, Popery? And which would be ready, if occasion offered, to sacrifice all their old blood that remains, to the maintenance of that Truth of God, which they have taught and written, and shall we be thus despitefully ranged with them, whom we do thus protestedly oppose? But alas! this is but one of those many scandalous aspersions, and intolerable affronts, that are daily cast upon us —Now, whither should we, in this case, have recourse for a needful and seasonable redress? The arm of the Church is, alas! now short and sinewless, it is the interposing of your authority that must rescue us, you are the eldest sons of your dear mother the Church, and therefore must 6t and most able to vindicate her wrongs. You are Amici Sponsi, give me leave, therefore, in the bowels of Christ, humbly to beseech your lordships to be tenderly sensible of those woful and dangerous conditions of the times; and it is the government of the church of England he unlawful and unfit, abandon and disclaim it, but, if otherwise, uphold and maintain it: otherwise, if these lawless outrages be yet suffered to gather head, who knows where they will end?—My lords, if these men may, with impunity and freedom, thus bear down ecclesiastical authority, it is to be feared they will not rest there, but will be ready to affront civil power too. Your lordships know, that the Jack Straws, and Cades, and Wat Tylers of former times, did not more cry down learning than nobility; and those of your lordships that have read the history of the anabaptistical tumults at Munster, will need no other item; let it be enough to say, that many of these sectaries are of the same profession.—Shortly, therefore, let me humbly move your lordships to take these dangers and miseries of this poor church deeply to heart, and upon this occasion to give order for the speedy redressing of these horrible insolencies, and for

* From the Edition of his Works before quoted

the stopping of that deluge of libellous invectives wherewith we are thus impetuously overflown; which, in all due submission, I humbly present to your lords ips wise and religious consideration.' *

The King's Message for raising Volunteers for suppressing the Irish Rebels.] The lord chamberlain, by command delivered this Message from the king, "That his majesty being very sensible of the great miseries and distresses of his subjects in Ireland, which daily increase so fast, and the blood which hath already been spilt, by the cruelty and barbarousness of the bloody rebels, crying so loud, and perceiving how slowly the succours, designed there, go on, his majesty hath thought good to let their lordships know, and desired them to acquaint the house of commons therewith, That he will take care that, by commission, which he will grant, 10,000 English Volunteers should be speedily raised for that service, if the house of commons will declare that they would pay them." This Message the lords ordered to be delivered to the commons, at a conference; but we find no mention more of it at this time —Instead of that, there came up a message from the commons, by Mr Hollis, as an Answer to the late Propositions from the lords concerning a Guard, "That they would agree with their lordships, in all good and lawfull means, for the safety of the parliament; but, for printing a particular Declaration, the commons said, they had entered into debate thereof, and found it to be a thing of great consideration, and would require time to think of it. As concerning a Guard, the house agrees to it, provided it be such as the parliament approves of, and that it be commanded by the earl of Essex —Further, the commons desired that their lordships would be pleased to remember, That there were 2 bills depending before them, one concerning the Pressing of Soldiers for the service of Ireland, and the other for Pressing of Seamen for the defence of both England and Ireland, which they desired their lordships would speedily pass, without which, they conceive, Ireland cannot be saved" The lords returned for Answer, That they would take the two bills into consideration with all convenient speed."

Complaint against lord Digby for aspersing the Commons.] Another message was brought up from the commons, to this purport, "That the commons find, by common fame, that it was said in the house of lords, by the lord Digby, and offered to be justified by him, 'That the house of commons have invaded the privileges of the house of lords, and the liberty of the subject;' and that he did likewise say, 'That this was no free parliament' the commons therefore desired, that if these words were spoken by him, that right might be done to the commons of England against the lord Digby; and if no such words were spoken by him, that then a declaration be set forth by their lordships, to quit the commons of that scandal." The Answer returned was, "That the lords would take this message into consideration." In the mean time the words were referred to the committee for keeping a good correspondency between the two houses

Complaint against several Gentlemen for appearing in Arms.] The commons sent another message to the lords, importing, "That they had received information of great disorders committed between this house and Charing-Cross; that certain persons, in the habit of gentlemen, who are reported to be officers of the late English army, and are now in Whitehall, or some places thereabouts, backed and countenanced by a guard of Trained Bands, attending about Whitehall, do issue out in numbers and assault the king's subjects, going and returning, in the king's peace, to and from the parliament, offering to disarm, as they were cre-

* In a small tract, entitled 'Hard Measure', this prelate gives us the following Account of the before-mentioned Tumults. "The rout did not stick openly to profess, that they would pull the Bishops in pieces. Messages were sent down to them from the lords but they still held firm, both to the place and their bloody resolutions. It now grew to be torch-light, and one of the lords, 'the marquis of Hartford' came up to the Bishops barn, and told us we were in great danger, advising us to take some course for our own safety: all, being desired to tell us what he thought the best way, consulted us to continue in the parliament house all that night. For,' said he, 'these people vow they will watch you at your going out, and will search every coach for you with torches, so as you cannot escape.' Hereupon the house of lords was moved for some Order for the preventing their mutinous and riotous meetings, and messages were sent down to the house of commons, to this purpose, more than once, but nothing was effected however, for the present, (for so much as all the danger was in the rising of the house) it was earnestly desired of the lords that some care might be taken of our safety. The motion was received by some lords with a smile; some other lords, as the earl of Manchester, undertook the protection of the abp of York, and his company, (whose shelter I went under) to their lodgings; the rest, some of them by their long stay, others by secret and far-fetched passages, escaped home: therefore it was not for us to venture any more to the house without some better assurance "—Lord Clarendon adds, "That the mob laid hands on the abp of York, going to the house of peers, in that manner, that if he had not been seasonably rescued, it was believed they would have murdered him so that all the bishops, and many members of both houses, withdrew themselves from attending, from a real apprehension of endangering their lives."

* The following lines in Hudibras seem to allude to this very Transaction:

'When Zeal, with aged Clubs and Gleaves,
'Gave chace to Rochets and Lawn Sleeves.'

Part 3d Canto 2d l. 8

dibly informed, no offence at all, and 20 or 30 of them sore wounded! Thus the commons conceive to be a true violation of the liberty of the subject, and an affront to the parliament, and will, in the end, strike an awe and terror into it, if not prevented by the wisdom of their lordships and the house of commons. The commons are likewise informed, by a member of their own house, that he, going from the house to their lordships, through the churchyard, found there a guard of soldiers consisting of them by whose command they were there? they answered, by the lord bishop of York's. It this be to be suffered, to have guards set about the parliament, in this manner, to the terror and affray of the people, the commons submit it to their lordships judgment, and therefore to prevent all inconveniences, the commons desire to have a guard, otherwise the said lords follow certain mischief in the end, which the commons foreseeing, do give their lordships timely warning that, if it happen they may clear themselves to all the world. To this no way will it come a parliament, he was commanded to desire their lordships, that, according to their own propositions, and upon such conditions as the house of commons consented to, That their lordships would present a bill with them in an humble Petition to his majesty, that the parliament may have a Guard, such a one as may be approved of by both houses, and to be commanded by the earl of Essex.'—When this Message was delivered, a long debate ensued amongst the lords: and, at last, the question being put, Whether this house would join with the commons in an humble Petition to his majesty, to desire that the parliament may have a Guard, &c as in the message? it passed in the negative.

Protestation of the Bishops against all Proceedings during their forced Absence from the House.] Dec 30. The lord keeper signified to the house, That the king had commanded him to deliver a Petition to their lordships, which had been presented to him. The said Petition was ordered to be read, and was in these words

To the KING'S Most Excellent Majesty, and the LORDS and PEERS now assembled in parliament, The HUMBLE PETITION and PROTESTATION of all the Bishops and Prelates, now called by his majesty's writs to attend in parliament, and present about London and Westminster for that purpose

"That whereas the petitioners are called up by several and respective writs, and under great penalties, to attend in parliament; and have a clear and indubitable right to vote in bill, and other matters whatsoever debateable in parliament, by the antient customs, laws, and statutes of this realm; and ought to be protected by your majesty, quietly to attend and prosecute that great service; They humbly demonstrate and protest before God, your majesty, and the noble lords and peers now assembled in parliament, that, as they have an indubitable right to it and vote in the house of lords, so are they (if they may be protected, from force and violence) most ready and willing to perform the duties accordingly; and that they do abominate all actions or opinions tending to Popery, and the maintenance thereof, as also all propension and inclination to any malignant party, or any other side or party whatsoever, to the which their own reasons and conscience shall not move them to adhere.—But whereas they have been, at several times, violently menaced, affronted, and assaulted, by multitudes of people, in their coming to perform their service in that house, and lately chased away and put in danger of their lives, and can find no redress or protection, upon sundry complaints made to both houses, in these particulars: They likewise humbly protest, before your majesty and the noble house of peers, that, saving unto themselves all the rights and interests of sitting and voting in that house, at other times, they dare not sit or vote in the house of peers, until your majesty shall further see them free in all affronts, indignities and dangers, in the premises. Lastly, Whereas their fears are not built upon phantasies and conceits, but upon such grounds and objects as may well terrify men of good resolution and much constancy, they do, in all duty and humility, protest, before your majesty, and the peers of that most hon house of parliament, against all laws, orders, votes, resolutions, and determinations, as, in themselves, null, and of none effect; which, in their absence, since the 27th of this instant Dec 1641, have already passed, as likewise against all such as shall hereafter pass in that most hon house, during the time of this their forced and violent absence from the said most hon house not denying, but, if their absenting of themselves were wilful and voluntary, that most noble house might proceed in all these premises; their absence, or this their Protestation, notwithstanding: and humbly beseeching your most excellent majesty, to command the clerk of the house of peers to enter this their Petition and Protestation amongst his records, they will ever pray God to bless and preserve, &c. Jo. Eborac. Tho. Duresme, Rob. Co. Liche, Jos Norwic, Jo. Asaphen, Ro. Oxon, Guil. Bath & Welles, Geo Hereff, Math. Elien, Godfrey Gloucest, Jo Petriburg, Morg Llandaff, Copia vera Jo. Browne, Clericl' Parliamentor.'"

Proceedings against the Protesting Bishops.] This Petition being read, the lords sent a message to the commons, to desire a present conference by a committee of both houses, touching matters of dangerous consequence. A conference being held immediately, the lord keeper, in the name of the house of peers, declared, "That this Petition and Protestation of the 12 Bishops, containing matters of high and dangerous consequence, and such as the lords are very sensible of, and such as require a speedy

and sudden resolution, it extending to the deep intrenching upon the fundamental privileges and being of parliaments, therefore the lords have thought fit, that this matter concerning the whole parliament, may be communicated to the commons, it being a thing of so great, so general a concernment."

The Bishops Petition being thus communicated to the house of commons, they came to a Resolution, to accuse those 12 Bishops of High Treason, for endeavouring to subvert the fundamental laws and being of parliaments. And Mr. Glyon was ordered to go to the lords, and, at their bar, in the name of all the commons of England, to accuse these 12 prelates of High Treason, for endeavouring to subvert the fundamental laws of the realm and the very being of parliaments, manifested by preferring that Petition and Protestation, and to desire the lords, that they may be forthwith sequestered from parliament and put into safe custody; and that their lordships would appoint a speedy day for the commons to charge them, and this to answer; for that the commons were ready to make good their charge.—Hereupon it was ordered, "That the gentleman usher bring the said Bishops, so accused, before this house, that they may be committed to safe custody." In the mean time, a conference having been desired by the commons, concerning the Safety of the Kingdom and both houses of parliament, the lords went to the conference, and, being returned, the lord keeper reported it to the house to this effect.

He first repeated the former message from the commons, with their Reasons for desiring a Guard, to which the commons said they had yet no Answer. They now desired their lordships to take the following Reasons into consideration, as an addition to their former: "1. The insolent and traiterous Petition and Protestation of the Bishops preferred this day to their lordships; which the commons conceive they durst not to have done without some back to their design.* 2. They desire to have a Guard, because they hear the king hath a guard at Whitehall, as apprehending it fit, and the commons conceive, that those that are enemies to the king, are likewise enemies to the parliament; and so vice versa. Therefore that house desired their lordships to consider of these things and give them an Answer, Whether they will join with the commons in a Petition to the king, or not." Upon this another debate arose in the lords, Whether that house would recede, upon these further Reasons, from the vote given last night: and this question being put, it again passed in the negative. After which, both the Vote of last night and this, were ordered to be sent down to the commons, as an Answer to their about a Guard.

The lords being informed, that the Bishops, accused of High Treason, were at the door, they were severally called in; and, first,

The Archbishop of *York*, (Dr. John Williams) being brought to the bar, and kneeling there as a delinquent, was commanded to stand up, when the lord keeper told him, 'That the house of commons, in their name, and in the name of all the commons of England, had accused him and other Bishops with High Treason, for endeavouring to subvert the fundamental laws of this realm, and the being of parliament, by preferring their Petition and Protestation, this day, to that house.' The said archbishop, at his request, having leave to speak, said, 'He would not, at this time, make any demurrer to the Charge, as having never heard it before, but he desired their lordships would give him leave to do as he should be advised, when he came to his Answer,' and so he withdrew.

The Bishop of *Durham* (Dr. T. Morton) was next brought to the bar in the same manner, who said, 'That this was the greatest misery that ever befel him, and what he did, was not with any malicious or treasonable intent; but he, going by chance, to the abp. of York's house, about two days ago, he found some bishops there, and the Petition signed by many of them; and, being desired to subscribe the said Petition, he read it over, and took some exceptions to it; but he was drawn in by inducements, or rather solicitations, and he did subscribe only to preserve his right of voting in parliament,' and, desiring their lordships to have pity upon him, being a man of great years, he withdrew.

The Bishop of *Norwich* (Dr. Jo. Hall) said, 'This was the heaviest affliction ever came to him; and professed it was far from his thoughts to be guilty of an offence of so high a nature, and confessed he subscribed the Petition and Protestation; but desired the rest of his brethren, the bishops, that it might be very well considered before it was presented; but whether it was so he knew not."

* Lord Clarendon observes, "That the indiscretion of these Bishops, at such a crisis, gave so great scandal and offence to all those who passionately desired to preserve their function, that they had no compassion or regard of their persons, or what became of them; insomuch as, in the whole debate in the house of commons, there was only one gentleman who spoke on their behalfs, and said, 'He did not believe they were guilty of High Treason, but that they were stark mad; and therefore desired they might be sent to Bedlam." And Whitlocke says, "Divers of their adversaries were much pleased with this unadvised act of the Bishops, being, (as they wished) a way prepared by themselves for them to be set aside, and removed from the house of lords."

* The following account is given by this bishop, in a piece of his before-mentioned, intitled 'Hard Measure,' wherein, after reciting the tumults about the house of lords, and the resolution of the bishops to forbear any longer attendance on that account, he proceeds thus: "The abp. of York sent for us to his lodging at Westminster; here, before us the perilous

The Bishop of *Coventry and Litchfield* (Dr. Rob Wright) said, 'He subscribed the Petition, but crav'd their lordships best construction of it, for he did it not with any traiterous intention, and submitted himself to the pleasure of the house.'

The bishop of *St. Asaph* (Dr. John Owen) confessed 'He subscribed the Petition, but he did it for matter of form, because the rest of the bishops his brethren had done so: that thoughts of treason were far from his heart, and desired their lordships favour and compassion towards him.'

The Bishop of *Bath and Wells* (Dr Wm Piers) acknowledged, 'That he set his hand to the said Petition, without any ill intent, and desired of his brethren that it might be well considered before it was delivered; and that all the bishops had set their hands thereto.'

The Bishop of *Hereford* (Dr John Coke) said, 'That when time was given he would make his humble Answer to the Charge, but desired to say nothing for the present.'

The Bishop of *Ely* (Dr M Wren) desired their lordships to excuse him now from speaking, lest he should do himself more hurt by that than by silence.

The Bishop of *Oxon* Dr. Rob Skinner) owned, 'He signed, also, but his offence was through ignorance, and therein craved their lordships compassion.'

The Bishop of *Glocester* (Dr. G Goodman) said, 'That it did appear he was one of the last that subscribed, that it was not done with any traiterous intent, but through ignorance, and submitted himself humbly to the wisdom of this house.'

The Bishop of *Peterborough* (Dr J. Warner) made the same confession as the former.

The Bishop of *Landaff* (Dr M. Owen) said, 'That it was done through ignorance, and indiscretion, and that he had no design to overthrow the fundamental laws of the land; he desired he might not feel the weight of their lordships justice, but mercy, and that he might be bailed upon good security.'

After hearing all these arraignments, the lords ordered ten of the Bishops to be committed prisoners to the Tower, but the bishops of Durham and of Coventry and Litchfield were remitted to the custody of the black rod.*

The Bishop of Winchester (Dr Walter Curle) being all this time in the house, it was moved, That it should be put to him to answer, whether he consents to or disclaims the said Petition, before he be allowed to sit and vote in the house. The said bishop answered, 'That he never knew any thing of the matter' hereupon the lords gave him leave to read the Petition; after which he said, 'He never read it before, and he did now utterly disclaim it.' With which answer the house was satisfied.

Mr Rouse's Speech against filling up 5 vacant Bishoprick.†] The same day that the proceedings went thus vigorously on against the Bishops in the house of lords, the following speech was made in the commons by

Mr *Rouse*, member for Truro, against filling up 5 Bishopricks, † at this time vacant:

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condition we were in; advises, for remedy, (except we meant utterly to abandon our right, and to desert our station in parliament) to petition both his majesty and the parliament. That, since we were legally called by his majesty's writ to give our attendance in parliament, we might be secured in the performance of our duty and service, against those dangers that threatened us; and, withall, to protest against any such acts as should be made during the time of our forced absence, for which he assured us there were many precedents in former parliaments, and which if we did not, we should betray the trust committed to us by his majesty, and shamefully betray and abdicate the due right both of ourselves and successors. To this purpose, in our presence, he drew up the said Petition and Protestation, avowing it to be legal, just, and agreeable to all former proceedings, and, being fair written, sent it to our several lodgings for our hands, which we accordingly subscribed, intending yet to have had some further consultation concerning the delivering and whole carriage of it: but ere we could suppose it to be in any hand but his own, the first news we heard was, that there were messengers addressed to fetch us in to the parliament upon an accusation of High Treason. For whereas this paper was to have been delivered, first to his majesty's secretary, and, after perusal, by him to his majesty, and after from his majesty to the parliament, and for that purpose to the lord keeper, the lord Littleton, who was the Speaker of the house of peers: all these professed not to have perused it at all, but the said lord keeper, willing enough to take this advantage of ingratiating himself with the house of commons and the faction, to which he knew himself sufficiently obnoxious, finding what use might be made of it by prejudicate minds, reads the same openly to the house of lords, and, when he found some of the faction apprehensive enough of misconstruction, aggravate the matter as highly offensive, and of dangerous consequence; and thereupon, not without much heat and vehemence, and with an ill preface, it is sent down to the house of commons; where it was entertained heinously, Glynn, with a full mouth, crying it up for no less than an High Treason, and some comparing, yea preferring, it to the Powder Plot."

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* Bishop Hall says, "These two had this favour by reason of their great age; which though desired by a noble lord on his behalf, would not be yielded."

† These were Worcester, Lincoln, Exeter, Bristol, and Chichester. The first was vacant by the death of bp. Thornborough, and the others by the translation of bp. Williams to York, bp. Hall to Norwich, bp Skinner to Oxford, and bp. Duppa to Sarum. The persons

'Mr. Speaker, I doubt not you remember the report made about 8 weeks since, by Mr. Woodward, of an order from his majesty, sent out of Scotland, for drawing up a certain Congé d'Elire's for the electing of 5 new bishops, whereof two are made and consecrated and that then I moved petitioning his majesty to stay the making of them up [illegible] further business, of greater consequence to be present, hindered my enlarging such reasons as I conceived of weight to stop the proceedings concerning them. And now, Mr Speaker, under favour of this hon house, I intend to add one some further ground of my opinion then, then it was not, neither is it yet communicated to I, under favour, conceive, they should be made bishops.—Mr Speaker, you know the proceedings against those bishops, which have been great delinquents in this state, and how we have prosecuted them to an impeachment of high treason, which was a main ground of my opinion for the then altering that intended business of making these new bishops, till that great affair was brought to a period. And Mr. Speaker, I persuade myself, that there are as great delinquents, to their power, amongst the inferior clergy, as the bishops. I speak not with an intent you should conceive that I reflect anywise upon the persons of those that are elected or made; but that until the others that are impeached be proceeded against, either to their condemnation or otherwise, as by the parliament they shall be found guilty, the election of new ones may be a while procrastinated and delayed.—Mr. Speaker, we have, as occasion has served us, had many debates and arguments about the quite taking away of Bishops, and many divisions in the house have been concerning the same, and although voted for their continuance, yet the manner of their government is not determined. 3 Then, as I conceive it can neither be requisite nor convenient to make new bishops, till a certain form of their government be fully concluded and settled by the whole state of this kingdom. 2 If we should give way to the making of these bishops, great prejudice may follow before we can settle them in such a government as may agree most for the security and safety, both of this kingdom, and the fundamental points and principles of the doctrine of the church of England for, notwithstanding our proceedings against delinquents, both in church and state, [illegible] many petitions and complaints have we received against pernicious and dangerous innovations in doctrine, besides scandalous and slanderous aspersions delivered by divers of the clergy in their sermons, and otherwise, since the sitting of this present parliament; which not a few, are incensed, and animated and encouraged by the bishops: which doth much trouble many people, and is a great cause of their continuance in evil, and illustrate and [illegible] meekness of a great many of good quality and estimation? And then for new bishops to be made, although perchance men of great learning and judgment, before the parliament have fully agreed on the manner of their government and proceedings to prosecute and punish such delinquents as have been perverse instruments in the church, to withdraw the affections of many, otherwise perhaps well-affected, from the right setting of true religion, with such discipline congruent thereunto, that should be the best means to procure the everlasting peace of king and people? The inconveniencies and dangerous consequences that may happen hereupon may yet be worse than the former we have had for much experience of. 3. I conceive by making of these bishops, when they shall be admitted to sit in the house of lords, their votes there, although voted down in this house, yet not agreed unto by the lords, may be a great hinderance in our proceedings to settle such a form of government in religion, as shall, by the parliament, be thought requisite; all of them contriving to continue their old form and power of government. And their votes, you know, Mr Speaker, have prevailed much in that house; many of the lords (I could wish not so many) being much inclined towards them, and too willing to comply with them in their designs; but I hope, by God's blessing, and our endeavours, we shall so time, by degrees, remove such impediments, both in church and state, as under our happy proceedings in redressing such things that are amiss in the same. 4. I conceive the nonconcurrence among ourselves concerning their consecration, to be of weight for the staying the making of these bishops; which I desire may not be conclusive, till the other things before-mentioned, for the settlement of religion and punishment of delinquents be agreed unto; that then such as shall be, by this wise council of state, thought fit to bear any office in the church in places of government, may be, by the same, tried and proved in their learning, judgment, and the holiness of their lives and conversations; that so having not only able, but godly men set in places of authority, we may expect the well government of the inferior clergy.—I desire, Mr. Speaker, not to be misconceived in this my speech, concerning the stay of making these bishops, yet unconsecrated. I speak not against their uncapableness or unworthiness of such places of government, not doubting but that they are as able and fit for the same as any other; but the intent of my speech and humble motion is,

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nominated to these sees by the king were, Dr. Prideaux, the king's professor of Divinity in Oxford, Dr. Winniffe, dean of St. Paul's; Dr Brownrigg, master of Catherine-Hall, in Cambridge; Dr. Westfield, of Great St Bartholomew's, London; and Dr. Henry King, Dean of Lichfield. Of these lord Clarendon says, "They were all of great eminency in the church; frequent preachers; and not a man to whom the faults of the then governing clergy were imputed, or against whom the least objection could be made."

[a] From a MS. purchased at the sale of the Harleian Library.

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That only, for the reasons before specified they may not yet be made and consecrated, till such time as all things for the well government of the church be fully concluded and settled, which God grant; that having reformed all disorders, both in church and state, we may every one sit securely under his own vine and fig-tree, and reap and enjoy the fruit of his own labour."

The Commons petition the King for a Guard.] Dec. 31. The commons finding that the lords would not join with them in petitioning the king for a Guard, this day resolved to do it by themselves; accordingly seven of that body, of which Mr Hollis was to be their Speaker, were ordered to attend his majesty, and deliver to him the following message:

"Most gracious sovereign, We are sent by the knights, citizens, and burgesses of the house of commons, your faithful and loyal subjects, who are ready to lay down their lives and fortunes, and spend the last drop of their blood, to maintain your crown and royal person in greatness and glory, and do, by us, cast themselves down at your royal feet, to present unto your majesty their humble desires upon their great apprehensions and just fears of mischievous designs and practices to ruin and destroy them.—There have been several attempts, heretofore, to bring distraction upon their whole body at once, and threats and menaces against particular persons: there is a malignant party, bitterly invenomed against them, daily gathering strength and confidence, and now come to such height, as they have given some the boldness to embrue their hands in the blood of your subjects, in the face and at the doors of the parliament, and at your majesty's own gates; and have given out insolent and menacing speeches against the parliament itself. This causeth great distractions amongst the people in general, and such fear and apprehension in the commons, that, they conceive, they cannot, with the safety of their persons, (upon which the safety and peace of the whole kingdom doth now depend) sit any longer unarmed and unguarded as they are: they have therefore their recourse unto your majesty, most humbly beseeching you, that it may stand with your good liking, if they provide for their own safety, which the very law in nature and reason doth allow unto them. It is their humble desire, that they may have a Guard out of the City of London, commanded by the earl of Essex, lord chamberlain of your majesty's household, of whose fidelity to your majesty and the common-wealth, they have had long experience. By this your majesty's grace and favour, you will remove their fears, till them with comfort and assurance, and enable them to serve your majesty in such a way, as shall render your majesty and your government happy and glorious. And to this they do most humbly desire your majesty's gracious and speedy Answer, because their safety and the safety of the whole kingdom, depends upon it, and will not admit of any delay."

The substance of this Message being first delivered by word of mouth, the king desired [illegible] to have it in writing, [illegible] to his majesty an[illegible] is returning an [illegible] halberts should [illegible] and brought into the house, for their [illegible] security; which was done, and the [illegible] halberts stood in the house for a considerable time afterwards.

Mr. Pym's Speech at a conference, against Lord Digby.] The next day at a conference with the lords, about an information the commons had received of the lord Digby's having, in a speech, reflected on their proceedings,

Mr. *Pym* spoke as follows:* "My Lords, The knights, citizens, and burgesses of the house of commons, now assembled in parliament, have commanded me to present to your lordships this information which they have received against the right hon. George lord Digby, of such dangerous consequence, that, if not prevented, evil and troublesome events may ensue, to the great hazarding the peace of this kingdom, and a great hinderance of the happy proceedings of this parliament. My lords, I humbly crave your patience to declare to your lordships what I am commanded concerning the said Information, which is, That he, the said lord Digby, should give forth report, upon reading the late Petition and Protestation of the 12 Bishops, 'That the press in parliament was a forced one, and that the Acts, Votes, and Laws that should be enacted therein, without the votes and assents of the bishops, are void and of none effect, and not binding to the subject.' My lords, this report is of great danger to the state, if proved against the said lord, in these three respects, 1. It is a great breach of the rights and privileges of parliament. 2. It intrencheth much on the prerogative of the king, and abridgeth his royal power. 3. It is the first step to bring into this state an arbitrary and tyrannical form of government.—First, my lords, it is a Breach of the Privileges of Parliament for these reasons: 1. It is against the true sense of parliamentary proceedings, which ought to be received and interpreted in the [illegible] sense of the [illegible]. 2. It is against the [illegible] of parliament, in that case made and provided, for an adjourning or abrupt breaking up of the same. This act, my lords, was freely voted by both houses, heels and willingly passed by his majesty, without any forcible or compulsory means used by any, or private working of any of the members of either houses to induce his majesty to the same: an act voted as well by the said lord, as the rest of this hon. house. This report, they fore, of his must needs be against his knowledge and former free consent in passing that act. 3. One privilege of parliament, and that is one of the greatest, is to make use and freely proceed to the punishment of delinquents that have caused the troubles in this state, both in church and common-wealth. This report is against the privilege, [illegible] loses

* From the Manuscript last mentioned, [illegible]

altogether our proceedings against the Bishops, accused us the greatest delinquents, both in church and state: for, my lords, if the parliament is forced in the absence of the bishops, how may then the parliament proceed lawfully against them? If the bishops sit and have their votes, although unlearned, the parliament, how can we proceed, I beseech you, against their votes? Therefore, under favour, I conclude this report of the said lord is against this privilege of parliament. 4. To redress the grievances of the common-wealth, is a privilege of parliament. This report is against this privilege. How, I pray you, my lords, can our grievances be redressed, when the oppressions, injustice, and venomous troubling of his majesty's loyal subjects, by the Bishops, may not be called in question, nor the misdoers therein prosecuted and punished for the same? 5. This report is against divers acts of parliament of this kingdom, that have been made without the voice of bishops in parliament, as is on record in the Parliament Rolls.—Secondly, my lords, this report intrencheth on the Royal Power, and Prerogative of the king, and that in two respects: 1. His royal prerogative, in making and enacting laws by parliament, it resting only in his power, to pass or refuse the votes of parliament. My lords, the king of this realm has the greatest prerogative (to require the counsel and assistance of the whole state, upon any occasion whatsoever, when it pleaseth him) of any prince in the world, except the king of France: and, under favour, my lords, I conceive a parliament cannot be termed forced, when it is freely called, and willingly continued by the king. I conceive, my lords, a forced parliament is, when, against the free consent of the king and his lords, without lawful calling by writ, men assemble themselves; and, by force of arms, sit in council and enact laws, not tending to the welfare of the kingdom. The parliament holden in the 14th of Edw. 2. was a forced parliament; the barons coming thither with horse and arms, and compelling the king to pass what they thought proper to have enacted. 2. My lords, this report intrencheth on the royal power of the king in making of laws; for, as before I have touched, parliaments have, without bishops, made and enacted laws. By this supposition, my lords, that laws, made without bishops, are void; bishops, be they never so vile and disaffected to the tranquility and security of the state, yet must have votes in rectifying and setting in order such things as are amiss to the same, as well by their own procuring as others: which is not then likely to take any good effect: nay, it is too apparent they have been the greatest opposers of our proceedings in this parliament, and the chief cause why no more is done by the same.—Thirdly, this report is the first step to bring in an arbitrary and tyrannical form of government; and that, under favour, for these reasons: 1. Free parliaments are the securest and safest government that ever could be found for this nation, and that in respect of the power and wisdom therein of. It is upholden, defended, and preserved by the whole body of the kingdom, therefore powerful. The members thereof are men elected, one out of ten thousand, by the whole state, therefore esteemed wise: then to oppose the proceedings and duty of government thereof, is to change the same: and, if changed to another form, (none being so secure, so powerful, and so wise) it must needs be arbitrary, and so tyrannical. 2. If no laws can be binding to the subject, but such as are voted and assented to by the bishops, then none can be expected but such as are destructive to the state, their affections being altogether averted from free parliamentary proceedings, and their designs only aganted for the opposing the government thereof, and we cannot but daily fear the utter confusion of the same thereby.—Now, my lords, having fulfilled the command of the commons, in speaking something of this information, I am to desire your lordships in their name, that the said George lord Digby may answer the said information, or otherwise he proceeded against as the parliament shall think fit." Whether any censure passed against the lord Digby, on this occasion, does not appear by the Journals of either house, but the resentment of the commons against him will appear, fully, in the sequel.

Thus ends the Calendar Year 1641, but the Journals of both Houses, with the Statute Books, continuing it to March 25, we shall follow that course, as we have hitherto done throughout this History.

The King's Answer to the Commons' Petition for a Guard.] Jan. 3. The commons received from the king the following Answer to their last Petition for a Guard:

"We have taken the last Message from you, touching your desire of a Guard, into our serious consideration; and truly, with great grief of heart, that (after a whole year's sitting of parliament, wherein you have obtained those things, for the happiness and security of yourselves, and the rest of our subjects, as no age can equal) instead of reaping, in peace and tranquility, the fruits of your labours, and our grace and affection to our people, you should find jealousies, distrusts, and fears so prevalent among you, as to induce you to declare them unto us, in so high a measure as you have done at this time. We are willingly ignorant of the grounds of your apprehensions; but this we do protest before Almighty God (to whom we must be accountable for those whom he hath intrusted to our care and protection) that had we any knowledge or belief of the least design in any, of violence, either formerly or at this time, against you, we would pursue them to condign punishment, with the same severity and detestation, that we would do the greatest attempt upon our crown. We know the duty of that place where God hath set us, the protection we owe to all our loving subjects, and most particularly to you, called

[illegible] the Counsels of [illegible] Right and [illegible]

to our service by our w[illegible] and the
unto you solemnly the [illegible] terous
security of all, and every [illegible] raised
lence, is, and shall ever be [illegible] the king
as the preservation of [illegible] and
And, if this general assurance [illegible] ce
to remove your apprehen[illegible] will
command such a Guard [illegible] we
will be responsible for to [illegible] and
charged us with the pro[illegible] and
our subjects."

Impeachment of Lord Kimbolt[illegible] and two Members of the House of Commons for High Treason.] This day the lord keeper of the house of lords, That he was commanded by the king to let them know, his majesty had given commands to his attorney general [illegible] against their lordships with some [illegible] from him. Hereupon the said Attorney [illegible] ing up at the clerk's table, said, "That [illegible] ing had commanded him to tell [illegible] haps, that great and treasonable [illegible] practices against him and the state [illegible] his majesty's knowledge; for which the king had given him command [illegible] he did accuse Six Persons of High Treason and other high Misdemeanors by delivery of the Articles in writing which he [illegible] hand, which he received from his majesty's [illegible] as commanded to desire their lordships to have it read" which Articles were read, in haec verba.

ARTICLES of HIGH TREASON, and other high MISDEMEANORS, against the Lord Kimbolton, Mr. Denzil Hollis, Sir Arthur Haslerig, Mr. John Pym, Mr. John Hampden, and Mr. William Strode.

I. "That they have traiterously endeavoured to subvert the fundamental laws and government of this kingdom, to deprive the king of his regal power, and to place in the subjects an arbitrary and tyrannical power, over the lives, liberties, and estates of his majesty's liege subjects. II. That they have traiterously endeavoured, by many foul aspersions upon his majesty and his government, to alienate the affections of his people, and to make his majesty odious to them. III. That they have endeavoured to draw his majesty's late army to disobedience to his commands, and to side with them in their traiterous designs. IV. That they have traiterously invited and encouraged a foreign power to invade his majesty's kingdom of England. V. That they have traiterously endeavoured to subvert the rights and very being of parliaments. VI. That, for the compassing of their traiterous designs, they have endeavoured, as far as in

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* Lord Kimbolton was the eldest son of the earl of Manchester, and had, some years before, been called up to the house of lords, by Charles I. He had, after this period a considerable share in the conduct of affairs, as General of the Parliament forces during the civil war.

[illegible] [illegible] [illegible]

loved) and undertook to prove that the said lord Kimbolton told the rabble, when they were about the parliament house, that they should go to Whitehall."

The Commons desire a Conference for the Vindication of their Privileges.] After some other business had been done in the house of lords; a message was brought up, from the commons to desire the lords would be pleased to sit a while, for they should have occasion to confer with their lordships about a Breach of Privilege This being granted, a conference was held, between committees of both houses; the Report of which was made by the Lord Keeper to this effect·

" That the house of commons apprehended the parliament to be the great council and the representative body of the kingdom, and both houses are but one body of the realm; the privileges are as the walls, or sinews, of the parliament, which being cut, distraction will speedily follow That both houses have lately taken a Protestation for the maintenance of their privileges, persons, and goods, a high breach whereof is at this instant; for divers members of the house of commons have their persons assaulted and laid in wait for; their chambers, studies, and trunks have been ransacked and sealed up; as Mr. Hollis, Mr. Pym, and Mr. Hampden, besides, the house of commons understand that there are Guards of Soldiers set so near the parliament houses as Whitehall; which being done without consent of parliament, they hold it as a Breach of Privilege They therefore desire their lordships would join with them in an humble request to the king, that the Guards at Whitehall may be removed; and that the parliament may have such a guard as shall be approved on by the king and both houses of parliament Also the house of commons desire their lordships to join with them in vindicating the Breaches of their Privileges, and, if a guard cannot be obtained, that they desire their lordships to take it into consideration to adjourn to another place where they may sit in security"

The lords taking the aforesaid conference into consideration, ordered, " That all the chambers, studies, and trunks, that were sealed or locked, belonging to Mr. Hollis, Mr. Pym, Mr. Hampden, or to any member of parliament, shall be forthwith unsealed and unlocked, and left to their free use and disposure." Ordered, also, " That this house will join with the house of commons, in an humble petition to the king for a Guard, in the same manner as they desired, and that it shall continue as long as the king and both houses shall think fit

Jan. 4. The joint Petition of both houses having been presented to the king, his majesty said, ' That he would send an Answer to it very speedily.' But the commons being very uneasy, they this day renewed their desires to the lords, to have it done; for this reason, " Because they had received information that divers gentlemen had made their addresses to the gentlemen of the Inns of Court, and have dealt with them to come armed to [illegible] when they shall be required; but they condescended thereto. They likewise had met with a scandalous Paper, as was [illegible] published abroad, to the injury of some [illegible] of both houses, which contained Articles of High Treason and High Misdemeanors, against the lord Kimbolton, a member of that house, and others, members of the house of commons, which they desired their lordships to join with them in finding out the authors of, and bringing them to condign punishment, for so high a breach of the privileges of parliament." But nothing was this day resolved on by the lords

The King sends the Serjeant at Arms to the Commons, to arrest the 5 accused Members.] The day before, the king had sent Mr. Francis, serjeant at arms, to the house of commons, where, being admitted without his mace, he delivered this message;

" I am commanded by the king's majesty, my master, upon my allegiance, that I should come and repair to the house of commons, where Mr. Speaker is; and there to require of Mr. Speaker five gentlemen, members of the house of commons, and that these gentlemen being delivered, I am commanded to arrest them, in his majesty's name, of High Treason. Their names are, Mr. Holles, sir A. Haslerig, Mr. Pym, Mr. Hampden, and Mr. Wm Strode "

The commons immediately ordered the chancellor of the exchequer, lord Falkland, sir Philip Stapleton, and sir John Hotham, to attend his majesty, and acquaint him, " That this Message was a matter of great consequence, as it concerned the privileges of parliament, and therein the privileges of all the commons of England: That this house will take it into serious consideration, and will attend his majesty, with an Answer in all humility and duty, and with as much speed as the greatness of the business will permit And that, in the mean time, the house will take care that those gentlemen, mentioned in the message, shall be ready to answer any legal charge laid against them."

The Speaker did then, by command of the house, enjoin those five members, particularly one by one, to give their attendance on the house, de die in diem, until further Order And, in the afternoon of the 4th, there was a Memorandum entered, That all the five Members, aforementioned, did appear in the house, according to yesterday's injunction

Sir John Hotham was ordered to go to the lords to desire a free conference concerning the Safety of the Kingdom and Parliament; who brought Answer back, That the lords would give a present meeting as was desired.—A Message from the lords came down to the commons to acquaint them, ' That, according to the agreement between both houses last night, they had sent the duke of Richmond and the lord chamberlain to his majesty, concerning a Guard; and that the king's Answer was, " That by reason of some weighty affairs that were now before him, he could not give a present Answer

but did believe that, either to day or to-morrow, he should send it."

Some members of the commons having been sent by that house, to inquire into the truth of a report, That the gentlemen of the Inns of court came to Whitehall, armed; Mr. Brown, one who was sent to Lincoln's Inn, said, "That the gentlemen told him, they went to court, first upon a general report that his majesty's person was in danger * * *

The King comes in person to the House of Commons and demands the 5 Impeached Members.] Jan 4, p m The king came into the house of commons and took Mr. Speaker's Chair.

"Gentlemen; I am sorry to have this Occasion to come unto you, * * * *".

Resolved, upon the question, That the house shall adjourn itself till to-morrow one of the clock.

This is all that is entered in the Journals of the Commons relating to this extraordinary affair. Probably the great confusion the house was in, at this juncture, broke off all punctualities in the clerk, and prevented any further entry about it there: But Mr Rushworth, then clerk-assistant to the house, is very explicit in his printed Collections which, to make the matter as clear as possible, we shall give in his own words.

He begins with telling us, "That when the five accused members came this day, after dinner, into the house, they were no sooner set in their places, but the house was informed by one captain Langrish, lately an officer in arms in France, that he came from among the officers and soldiers at Whitehall; and understanding by them that his majesty was coming with a guard of military men, commanders and soldiers, to the house of commons, he passed by them, with some difficulty, to get to the house before them, and sent in word how near the said officers and soldiers were come; whereupon a certain member of the house* having also private intimation from the countess of Carlisle, sister to the earl of Northumberland, that endeavours would be used this day to apprehend the five members, the house required the five members to depart the house forthwith, to the end to avoid combustion in the house, if the said soldiers should use violence to pull any of them out. To which command of the house four of the said members yielded ready obedience; but Mr. Strode was obstinate, till sir Walter Earle, his antient acquaintance, pulled him out by force, the king being at that time entering into the New Palace-yard, in Westminster and as his majesty came through Westminster-Hall, the commanders, reformadoes, &c that attended him, made a lane on both sides the hall, through which his majesty passed and came up the stairs to the house of commons, and stood before the guard of pensioners and halberteers, who also attended the king's person; and [illegible] nous being thrown [illegible] house, and as he [illegible] be cast his eye on the [illegible] of the house, where Mr. Pym [illegible] his majesty not seeing him there, knowing well, went up to the chair, and said, 'By your leave, Mr Speaker, I must borrow [illegible] chair a little.' Whereupon the Speaker came out of the chair, and his majesty stepped up into it. After he had stood in the chair a while, he cast his eye upon the members as they stood up uncovered, but could not discern any of the five members to be there; nor, indeed, were they easy to be discerned, had they been there, among so many bare faces all standing up together. Then his majesty made this speech:

"Gentlemen, I am sorry for this occasion of coming unto you. Yesterday I sent a serjeant at arms upon a very important occasion, to apprehend some that by my command, were accused of high treason, whereunto I did expect obedience, and not a message. And I must declare unto you here, that, albeit, no king that ever was in England shall be more careful of your privileges, to maintain them to the uttermost of his power, than I shall be; yet you must know, that in cases of treason no person hath a privilege, and therefore I am come to know if any of these persons that were accused are here for I must tell you, gentlemen, that so long as these persons that I have accused, for no slight crime, but for treason, are here, I cannot expect that this house will be in the right way that I do heartily wish it; therefore I am come to tell you, that I must have them wheresoever I find them. Well, since I see all the birds are flown, I do expect from you, that you shall send them unto me as soon as they return hither. But I assure you, on the word of a king, I never did intend any force, but shall proceed against them in a legal and fair way, for I never meant any other.—And now, since I see I cannot do what I came for, I think this no unfit occasion to repeat what I have said formerly, That whatsoever I have done in favour, and to the good of my subjects, I do mean to maintain it. I will trouble you no more, but tell you, I do expect, as soon as they come to the house, you will send them to me, otherwise I must take my own course to find them."

When the king was looking about the house, the Speaker standing below, by the chair, his majesty asked him, Whether any of these persons were in the house? Whether he saw any of them? and where they were? To which the Speaker, falling on his knee, thus answered:

"May it please your majesty, I have neither eyes to see nor tongue to speak in this place, but as the house is pleased to direct me, whose servant I am here; and humbly beg your majesty's pardon, that I cannot give any other answer than this to what your majesty is pleased to demand of me."

The king having concluded his speech,

* This member was Mr. Pym. See sir Philip Warwick's Memoirs, p. 108.

went ... be ho... great ... and ... akind ... Privi... next ... his ... house ... Mr Rud... majesty ... charioteers ... to his ... him to the ... to give ... Mr Rud... hoping ... Francis Nev... house of ... Tower, ... were spo... lasts, and ... his mes... to tell me ... house, but what I ... he readily gave ... command, and ... room called the Jewel ... he ... his majesty's speech ... majesty staying in ... then and there pres... which his majes... was pleased to command ... to be sent speedily to the press, and the next morning it came forth in print.*"

* The following words are not in the transaction as transcribed from some memorials taken at the time, by sir Edmund Verney, knight marshal, who afterwards bore the king's standard at the battle of Edgehill, and was killed in that action.—" On Tuesday the 4th January, 1641, when the house met after their adjournment, till one o'clock, it was moved (considering there was an intention to take the five Members by force) to avoid all tumult " That they be commanded to absent themselves," but entered no orders for it: and then the five gentlemen went out of the house a little after the king came with all his guards, and all his pensioners, and 2 or 300 soldiers and gentlemen. He commanded all the soldiers to stay in the Hall, and sent no word, he was at the door. The Speaker was commanded to sit still, with the mace lying before him, then the king came to the door and took the Palsgrave in with him, and commanded all that came with him, upon their lives, not to come in; so the doors were kept open, and the earl of Roxborough stood within the door, leaning upon it. Then the king came upwards towards the Chair with his hat off, and the Speaker slept out to meet him, when the king stept up to his place, and stood upon the step, but sat not down in the Chair. Then he said, " He expected obedience to his message of yesterday, and not an answer!" On the Speaker's saying, " That he had neither eyes or tongue to see or say any thing but what the house commanded him." The king said, " He

The ... the King's Be... Privi... The co... ing ordered ... the ... to ... some of those ... what ... rds Westmo... House; a ... r of some way ... Parliament, ... both Lordships, ... with all speed ... that the house should ... last, Jan. 13. ... in Guildhall, ... [illegible] ... was ... [illegible] ... there ap... others for it, and 30 against it.— ... agreed upon a Declaration, ... th printed and published ... Breach of Privilege; which ... words.

" ... jesty, in his royal person, ... the 4th day of January, 1641, ... house of commons, attended ... multitude of men, armed in a warlike ... to Whitehall, swords, and pistols, ... there ... to every door of this house, and placed themselves there, and in other place and passages near to the house, to the great terror and disturbance of the members thereof, then sitting, and, according to their duty, in a peaceable and orderly manner, treating of the affairs of both the kingdoms of England ... Ireland, and his majesty having placed himself in the Speaker's chair, did demand the persons of five members of this house to be delivered unto him. It is this day declared by the house of commons, That the same is a high breach of the rights and privilege of parliament, and a contempt to the liberties and freedom thereof, and therefore this house doth conceive they cannot, with the safety of their own persons, or the indemnity of the rights and privileges of parliament, sit here any longer, without a full vindication of so high a breach, and a sufficient guard wherein they may confide; for which both houses jointly, and this house by itself, have been humble suitors to his majesty, and cannot as yet obtain.—Notwithstanding which, this house, being very sensible

thought his own eyes as good as his, but that the birds were flown, but he expected that the house would send them to him, for their treason was foul, and such a one as we should all thank him to discover," and so went out, putting off his hat till he came to the door. Upon this, the house resolved to adjourn immediately till to-morrow, at nine o'clock, and consider what was to be done."—These minutes, taken at the time, in pencil, were found among the papers of the late earl Verney, written by his ancestor, sir Edmund Verney; and though at so distant a period, were plain enough to be legible.—Hatsell's Precedents, Vol. IV. p. 106.

of the [illegible] trust rep[illegible] [illegible] if proved, are, [illegible] laws of
[illegible]erly a[illegible] time, of th[illegible] [illegible]ed, high treason [illegible] our to
of the [illegible] [illegible] the parliament [illegible], by
tres[illegible] [illegible] [illegible] parliam[illegible] [illegible]ford's
doth or[illegible] That the [illegible] [illegible] [illegible]
and [illegible] [illegible] into the [illegible]
that [illegible] [illegible] [illegible]
and [illegible] [illegible] [illegible]
arm[illegible] [illegible] [illegible]
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pow[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

rations [illegible] state; against [illegible] majesty and his [illegible] counsellors, which labour to alien [illegible] affection from parliaments, [illegible] ill-affected Bishops that have [illegible] and [illegible], oppressing pyatnil, learned, [illegible] ministers, with contemptuous [illegible] in their unjust courts, by cruel sentences [illegible] cutting off their ears; by [illegible] imprisonments, and perpetual [illegible] Mr. Speaker, he to cast [illegible] upon his royal and his government, in [illegible] the hearts of his loyal subjects, good protestants and well-affected in religion, from their due obedience to his royal majesty, then am I guilty of this Article? It to consent, by vote with the parliament, to put forth Proclamations, or to send Declarations to his majesty's army, to animate and encourage the same to his loyal obedience, to give so many Subsidies, and raise so many great sums of money, willingly, for their keeping on foot to serve his majesty upon his royal command, on all occasions, to apprehend and attach, as delinquents, such persons in the same as are disaffected both to his sacred person, his crown and dignity, to his wise and great council of parliament; to the true and orthodox doctrine of the church of England, and the true religion, grounded on the doctrine of Christ himself, and established and confirmed by many acts of parliament in the times of Hen. 8. Edw. 6. Eliz. and king James, of blessed memory? If this be to draw his majesty's army into disobedience, and side with us in our designs, then am I guilty of this Article.—Now, Mr. Speaker, having given you a touch concerning these Articles, comparing them with my actions ever since I had the honour to sit in this house as a member thereof, I humbly crave your consideration and favourable judgment of them; not doubting, they being weigh'd in the even scales of your equalness, I shall be found innocent and clear from these crimes laid to my charge. I humbly crave your further patience, to speak somewhat concerning the exhibiting of this charge, which is to refer to your consideration these Questions, viz. 1. Whether to exhibit Articles of High Treason by his majesty's own hand in this house, agrees with the Rights and Privileges thereof? 2. Whether for a Guard to come into the parliament, to accuse any of the members thereof, be not a Breach of the Privilege of Parliament? 3. Whether any of the members of parliament, being so accused, may be committed upon such accusation, without the whole consent thereof? 4. Whether a parliament hath not privilege to bail any member so accused? 5. Whether if any of the members of a parliament so charged, and by the house discharged, into an release from his majesty, may still sit in the house as [illegible] of the same?* And thus, Mr Speaker, I humbly crave pardon for my presumption in so far troubling this hon. house, desiring their favourable consideration of all my actions, and that I may have such trial as to this wise council shall seem meet, cheerfully submitting myself and actions to the righteous judgment of the same.'

Sir *Arthur Haslerig* spake as follows †:—'Mr Speaker; This misfortune of mine seems to me, at the first, exceeding strange, not only in respect of the crimes laid to my charge, but most of all having thereby incurred not only the displeasure but fearful displeasure of his sacred majesty. For the first, knowing the innocency and integrity of my heart, that it is free from any such crime, either in thought, word, or deed, against either my gracious sovereign, or his native country, I shall the more easily bear the burden of the Charge; but to groan under the burden of a most pious and wise prince's displeasure, wounds me sore.—Mr Speaker, I humbly desire so much favour of this hon. house, to speak something of my innocence in all these crimes I am charged with.—This house, can, I hope, witness for me the manner of my carriage and disposition in any debate or arguments wherein I have been one. I hope nothing hath proceeded from me that can come, any ways, within the compass of treason. In all disputes and conclusions of any matter by vote of the house, my vote hath commonly agreed with the major part; then I hope my vote in parliament, being free, cannot be treason.—The Articles, exhibited against me and the other gentlemen, are of a most dangerous and pernicious consequence, if we should be found guilty of them, which God defend. I would to God those persons, that incensed his maj. against us, which is easily conceived who they are, were as free from thoughts and words, nay actions, within the limits of treason, as I hope we shall prove ourselves, by God's blessing.—Mr. Speaker, it is alleged we have endeavoured to subvert the fundamental laws of this land, abridge the king's power, and deny his royal prerogatives. Give me leave, I beseech you, to speak concerning this Article. There are not, as I conceive, two forms of government in this kingdom; there are not two sorts of fundamental laws; there is but one form of government, one sort of fundamental laws, that is, the common laws of this land, and acts, statutes and ordinances of parliament. These two depend and hang one upon another, so that

* We do not find in the Journals, that the house came to any formal Resolution on this or any of the foregoing questions. They seem to have thought it unnecessary, for it appears from those authorities, that Mr. Pym, Mr. Strode, and Mr Hollis were of a committee (inter alios) upon a bill † For enabling the Lords and Commons to adjourn this present parliament from place to place, as they shall see cause, on the 11 h of Jan, being the first day of their meeting after the late adjournment.

‡ Printed by Francis Constable and T. Bo[illegible]ast, London, 1641. [illegible]

they cannot be separated; and he that subverts the one, breaks and infringes the privileges of the other, and he that breaks the privileges of the one subverts the other. Now, to speak freely in parliament, to be duly called and assembled by his majesty's royal authority, to vote freely in the same, upon the conclusion of any bill to be made a law by the whole consent of parliament, and assented to by his maj., to agree in voting with the whole parliament, are most delinquents and malefactors in the state, to bring them to condign punishment for the same; to give any vote, in the house, for removing evil counsellors from his majesty, and to place loyal and faithful ones in their place; to assent, with the whole state assembled together in council, for the settling of peace and tranquillity in the same, to ordain and enact such wholesome laws and ordinances, whereby his majesty's good subjects may be governed in righteousness and good obedience; to vote, with the house, for redressing the many grievances in the commonwealth. If these be to subvert the fundamental laws of the land, then, Mr. Speaker, am I guilty of this Article in giving my vote against the earl of Strafford; in voting those not already made and passed by his maj., in voting against the Bishops, in protesting to maintain the fundamental laws of the land, and the true Protestant religion, according to the true doctrine of the church of England. I say then, in this am I guilty, but if this be not to subvert the laws of the land, then, am I clear from being guilty of this Article. Mr. Speaker, I come now to the other Articles of the Charge. To endeavour to bring in an arbitrary and tyrannical form of government. To invite tumults and unlawful resorts of multitudes of people to the parliament, to have a colour for our designs to raise forces and armies in this land to resist him in our practices. To invite foreign princes to bring an army into the land. To endeavour, by Declarations, Proclamations, and otherwise, to alienate the hearts of his majesty's loyal subjects from their lawful sovereign, thereby to avert their due obedience from him; and, having an evil opinion of his sacred maj. to persuade them to side with us, and take their parts to effect our designs. Give me leave, I beseech you, to speak concerning these crimes. And first, Mr. Speaker, to endeavour to bring in an arbitrary power and tyrannical form of government in the subject, is to deny parliamentary proceedings. To oppose the laws, enacted by parliaments, to increase his maj. against parliaments; to protest and petition against the proceedings thereof, is to bring in an arbitrary form of government: but to agree with the parliament, being a member thereof, by vote, to make and enact laws, I conceive this cannot be termed arbitrary, neither, I persuade myself, can the effects thereof be tyrannical.—2dly, Concerning the late Tumults about the house, I am innocent thereof; neither came any by my [illegible] or encouragement. [illegible] thought their [illegible] in that sort, [illegible] and riotous [illegible] voted with the [illegible] for suppressing [illegible] assistance for their [illegible] agreed with [illegible] and to all things concerning their [illegible] and requests. Then I hope this [illegible] not be conceived guilty of this crime. [illegible] and granted, yet I conceive far within [illegible] for these reasons. 1. [illegible] any thing to be done in parliament, but humbly, by petition shewed their grievances, and desired redress thereof, which is one privilege, and one of the greatest, to make their griefs known to a parliament, and by them to be relieved. 2. They offered no assault, but, being assaulted, preserved themselves, and repulsed. 3. The matter of their clamour was not against the king, nor any of his council, it was not against the lords, nor the house of commons, it was only against delinquents, against such as had been the great oppressors of them. Why I true, in a word, to other Articles of the Charge, which I intend to speak of, under favour, altogether I pray you, who raised any Army, actually, in this land, but the Irish Rebels, which was done by the parliament, both secretly [illegible] own power in the king's absence, and, in obedience to his commands, at his return home, they were disbanded, and afterwards again raised by his majesty's own royal authority. And for inviting or procuring any foreign princes to aid me with [illegible] my, I am altogether innocent therein. I know of none and required but from Scotland, which [illegible] done by the parliament, my vote, as a member thereof, only agreeing with them in the same, and that and procured for his majesty's assistance, in subduing the rebellion in Ireland, and, as I conceive, for no other purpose. And for the last Article wherewith I am charged, I hope to be cleared by this whole house. For what Declarations, or Proclamations, have been published but by authority of the parliament, joined with his majesty's most royal power and assent thereunto? It is manifest to all people that nothing is published by the parliament, or any of the members thereof, but tendeth to the winning of the hearts of his majesty's subjects to dutiful obedience, to nurse love and tender affection, towards their gracious sovereign. And I dare confidently say, that there is none of his majesty's subjects, that are true Protestants and well affected to religion, but, upon the least command of his maj. will spend their dearest blood in defence of his sacred person, his queen and princely issue; the laws and constitutions of this kingdom; parliaments and the rights and privileges ther of, religion and the doctrine of the church of England: and, therefore, I conceive I am far from intending any treason either against his majesty or his kingdoms.'

Mr. *Strode* spoke thus —'Mr Speaker; It is the saying of the wise man, even of a king, Solomon, the wisest of all kings that ever reign-

ed on th[illegible] tea[illegible]
th[illegible] to the
which, [illegible]
beams [illegible]
and cau[illegible]
gives vig[illegible]
that live [illegible]
drawing [illegible]
clouds, [illegible]
of the cr[illegible]
that his [illegible]
utter with[illegible]
gracious [illegible]
such time [illegible]
From all [illegible]
crease and [illegible]
that [illegible] his
troubles wh[illegible]
and them. But [illegible]
shadowed with cl[illegible]
and distrust to [illegible]
to wander in ob[illegible]
ready to hunt and [illegible] of a [illegible]
take in hand, for the safety and [illegible] of his
maj and his kingd[illegible]om, and, stil[illegible]m, as
it were, with death and utter d[illegible]estruction —
Mr. Speaker, I persuade myself and conclude
sovereign, in his own natural disposition, is
altogether bright and comfortable, he never
causeth, or retracts to himself, any discontent
towards his loving subjects, but by suggestion,
information, or misrelation, of malignant spirits,
dis affected both to the tranquility and peace
of his maj and the whole state of this kingdom. It is the policy only of desperate and
evil-minded persons, that have been the only
troublers of our Israel, finding themselves in
danger (by calling of them to an account for
their misdeeds and misdemeanors) to be
brought to punishment for the same, to cast
aspersions upon those faithful counsellors of
the king and state, who strive to prevent their
malicious and wicked designs from overthrowing and destroying the same.—It cannot, sir,
enter into my thoughts that ever his maj of
himself, could have gone about to interrupt
and hinder the happy proceedings of this his
great and wise council, by accusing and impeaching the members thereof of high treason,
as if they, whose hearts are united to their
lawful sovereign, by nature bound to the defence and security of their country, and, by
covenant with God, tied to the maintenance
of his true religion, should be the betrayers
and destroyers of them all together.—These
Articles exhibited against myself and the other
gentlemen, are, I conceive, not really intended
against us as if we were actually guilty of the
same; but only to procure our absence from
this hon. house, that we may not have our free
votes in the trial of the 12 Bishops accused;
by whom, I verily believe, these Articles were
drawn; and only by their advice and such as
favour their cause, exhibited. And I persuade
myself, were we to be apprehended and taken
from this house, under pretence of trial, we
should [illegible] [illegible]

[illegible] is really mind-
[illegible] against,
[illegible] that we
[illegible] Votes, [illegible]
[illegible] them, I
[illegible] to subvert
[illegible] an arbi-
[illegible] &c. I
[illegible] of these
[illegible] h
[illegible] act—,
[illegible] all [illegible] world, that
[illegible] have [illegible] out the compass of
[illegible] either [illegible] my king or country—
[illegible] it shall [illegible] ceived by this hon. as-
[illegible]ly, as [illegible] hath already been de-
[illegible] I will [illegible] gentleman that spake
[illegible] first, is [illegible] of a parliament, to
[illegible] with the same [illegible] their votes, for the
[illegible]ishment of delinquents, settling of religion,
[illegible]ring of their own persons by a guard, or
[illegible] assistance of our brethren in Scotland
to suppress the rebellion in Ireland, be treason;
then, I think, we are all guilty of these Articles, otherwise are we clear and innocent of
the same.—Mr. Speaker, I humbly desire of
this hon house, that I may have a speedy trial
upon the same, that, as I shall be found guilty
by the judgment of this high court, I may
know my sentence, which I shall willingly
submit unto; be it to my condemnation, or
preservation; wishing and praying with all my
heart, that mine of these evil and malicious
designs, in agitation against the parliament, by
any malignant persons whatsoever, may take
effect to hinder the blessed proceedings thereof; but that you may go on, with courage and
chearfulness, to settle all things aright, both in
church and state, for the government thereof
in perpetual peace and tranquility.'

Speeches in Vindication of the Privileges of Parliament.] There are also extant, in single pamphlets of the times* the following Speeches of Mr Grimston, Mr. Glynn, and Mr Maynard, spoken at the before-mentioned committee of the house of commons, at Guildhall.

Mr Grimston (member for Colchester) spoke as follows —'Mr. Chairman, There are no courts of judicature in this kingdom, but they have several rights and privileges appertaining and belonging unto them; and have such power and authority, in the several jurisdictions of the same offices, that they may call to an account, prosecute, and bring to judgment, the infringers of the same. Of all these courts, there is none, yea, put them altogether, they are not all, of so great power and jurisdiction, but remain inferior and subject to the ordinances and statutes of the high court of parliament. Sir, of such awful preeminency is the very name of a parliament to this nation, that it strikes with terror and despair all such evil-doers, as are malefactors in the state: on the contrary side, it enriches and comforts the

* London printed by Francis Constable, [illegible]

drooping ... of men, groaning under ... burden of ... nical oppression, inflicted ... them unjustly and maliciously, by numerous and wicked men that have usurped unto themselves places and offices of power and authority both in church and state — for, this great and high court, is not only the powerfullest of all other courts whatsoever, but the prudentest and wisest, made and composed but of truly men sound in religion and well learned, ripe in their judgments, selected from all parts of this kingdom, elected and chosen with the free consent of the whole body politic of the kingdom: this great and high court I say only of such power and wisdom ... and attended with the most ... leges thereof, that not only the ... majesty's subjects, but the great ... of the kingdom, are in danger, ... the same, to be called in question, and ... punished, therefore give me leave, ... some hint of the Privileges in this ... incident, and appertaining to this ... and, in speaking thereof, I shall observe three particulars. 1. The Rights ... leges belonging to the same, in the ... and judicature thereof. 2. The ... Privileges belonging to the power and ... tion thereof. 3. The Rights and ... in the countenance thereof, being ... and assembled by his majesty's ... to be dissolved or broken up ... agitated thereon, for the good ... and commonwealth, be fully concluded ... determined — First, Sir, concerning ... leges of a Parliament, belonging to the ... votes and judicature thereof. I shall ... these three particulars. 1. To speak ... without interruption or contradiction ... debate, dispute, or argument upon ... agitated in the same, being ... I encounter to be out of ... 2. Not to be ... upon any ... pute, argument, or ... ac used of the same, either ... sitting thereof, or after, ... to give voice, judgment, or ... reading of any bill ... bill, either to ... delinquents and criminal persons ... state, at the ... . To defend and maintain the ... ments and sentences of the ... Protestation, Religion, ... ration, that ... the house of lords, is a ... any member of the house, ... any crime, or impeached ... person whatsoever, during ... parliament, for things done ... without legal ... and prosecuted ... any such member by the whole ... their privilege ... impeachment, or arrested ... to have their studies broken open ... writings seized upon, without ... warrant of the ... parliament, is ... the same ... ince to be spoken ... and Rights of Parliament, appertaining ... jects of which I ... second thing, which was ... leges belonging to the ... tion of the parliament, in which ... these particulars ... what laws ... this kingdom, ... that, is one ... ... judicature ... subsidie ... and other charges ... privilege ... persons ... not ... ... majesty, ... other ... they ... ... parliament ... ...

Mr. Glynn, (member for Westminster) spoke thus:—"Mr Chairman, We sit now upon that grand business of the Breaches of the Rights and Privileges of Parliaments, which are so many and great, so carefully preserved and defended in former times, by severely punishing the infringers thereof: that I had thought and conceived that no subject, of what degree or dignity soever, would either in their own persons, or by misinforming his maj. concerning the same, have presumed to have intrenched, in the least measure, upon the free liberty, rights, and very being of parliaments, or tending to the breach thereof. But, sir, I perceive by the perverseness of divers persons in places of authority, that they dare not only presume to provoke his maj by their political misinformations, but dare attempt, of themselves, to resist the lawful power of the king and his high court of parliament.—Sir, these men dare venture to cast aspersions, and spread abroad evil reports, not only of the members, but of the proceedings of the commons against them and others of their adherents and favourites in their wicked and desperate designs against their lawful sovereign and his liege people.—I conceive, sir, did these persons but remember the many precedents, yet extant, of the just and deserved punishments, inflicted by former parliaments, upon such miscreants, as witness the abp. of York, the earl of Suffolk, chief justice Belknap, and the rest of that conspiracy, in the reign of Rd. 2. they would have prejudged to themselves the like danger would follow upon them for their evil actions.* Nay, sir, did these men but consider with themselves the just judgments of God that have immediately lighted upon the necks of such as have been the troublers of kingdoms and commonwealths, whereof they have been members, as well recorded in sacred writ as of late times in this kingdom yet still fresh in memory, they would have laid their hands upon their mouths and hearts when they went about to speak or do any thing tending to the dishonour of Almighty God; in innovating of his true religion, and corrupting the sincere doctrine and discipline of Christ and his apostles, as also any thing tending to the dishonour and perpetual destruction of his royal majesty, (however otherwise they may pretend) the fundamental laws and liberties of this kingdom, the rights and privileges of parliament, and the very being thereof: but surely, sir, they are altogether benumbed and stupified, their consciences dead and seared, their lives and conversations altogether devoted to the works of darkness and impurity; their desires altogether sensual, carnal, and devilish, forgetting God, kicking and spurning, with maliciousness, against all piety and godliness; or else they would never have adventured to practise such things, as it is too manifest they have done.—Sir, I intend to be brief in that which I am to speak, concerning the Breaches of the Privileges of Parliament. 1. To inform his majesty of any proceedings in the house of commons, upon any business whatsoever, before they have concluded, finished, and made ready the same to present to his majesty, for his royal assent thereunto. 2. To misinform his majesty contrary to the proceedings in parliament, thereby to incense and provoke him against the same. 3. To cause or procure any information or accusation to be brought or preferred, without the knowledge or consent of the parliament, into the house, against any of the members there. 4 To apprehend any such accused, to imprison their persons, to seize upon their goods or estates, to prosecute and proceed against them, to their trial and judgment, to condemn or execute them upon such accusation, without the consent or advice of the parliament. 5 To endeavour to cast an evil opinion of such members accused, into the hearts of his majesty's loyal subjects, whereby they, disaffecting them, may be willing and ready to put in execution any command or warrant for their apprehension and imprisonment. 6. For any officer or serjeant to come, in open parliament, to demand and arrest any such member accused, for high treason or any other crime whatsoever, without the knowledge of the whole house. 7. To come to a parliament, sitting in free consultation, assisted and guarded with armed men; and with them, seating the house, to demand, as it were, at the armes, such members accused. 8. To procure to be set forth, or to set forth under his majesty's name, any Proclamation or Declaration, prohibiting the return of such persons accused to the parliament as members thereof, and to apprehend them in what place soever they shall be found, without the advice and consent of the whole state, assembled and sitting in free parliament; all these are manifest Breaches of the Privileges of Parliament."

Mr Maynard (member for Totnes) spoke as follows:—"Mr. Chairman, The intermission of parliaments, so long together, hath been the only cause, I confidently believe, of all these evils and troubles that have happened upon this and the other his majesty's kingdoms. The perverse nature of man is so froward and crooked, that it is always inclined and bent to do nothing but that which is evil, without instruction, either by the powerful preaching of the word of God, wholesome and pious discipline in the exercise of religion, and good laws made for the strict observance and performance of the same, under pain of severe punishment for not obeying thereof. I say, without restraint by such means, the corrupt nature of the flesh is not to be curbed, but will go on to the committing of all manner of wickedness, both against God, his king and country. And, sir, the only means to preserve and enjoy the sincere and pure teaching of God's Word, and pious discipline, by wholesome laws enacted and made for that purpose, is by a parliament; by that great and wise council expert in all the

* See the proceedings at large, in Vol. I. p 198.

good government, either at such a time as this is, A parliament, is, in the [illegible] glass for a state perfectly to see [illegible] was made, there is in the [illegible] [illegible] [illegible]

[illegible] began with voting, "That it was necessary to have a strong and sufficient [illegible] the security of both [illegible] that they might be safely; and that it was [illegible] the houses to require the sheriffs of Middlesex and London to attend, for that purpose, with the Posse Comitatus." At the same time, the king's Answer to the parliament's last Remonstrance to him for a Guard was reported to this effect

"We having considered the Petition of both houses of parliament concerning a Guard, do give this Answer to it, That we will, to secure their fears, command the lord mayor of London to appoint 200 men, out of the trained bands of the city, such as he will be answerable to us for, to wait on the houses of parliament; that is to say, 100 on each house, and to be commanded by the earl of Lindsey; it being most proper to him, as being lord great chamberlain; who, by his place, hath a particular charge of the houses of parliament, and of whose integrity, courage, and sufficiency none can doubt."

Lord Kimbolton moves for his Trial.] The lord Kimbolton, one of the accused members, moved the lords, "That he being under so great a charge, which concerned his life, his estate and his honour, which is dearest to him, the Attorney General might be commanded to prosecute the accusation against him, and he is ready to answer it: but if he be not ready, his lordship said he humbly left himself to their disposal and commands, his own innocency making him thus confident"—The Attorney General being commanded to speak about this matter, along with the other prosecutors, said "That what he did was by the express command of the king his master, and not done by his advice, since that he had attended the king to take his further directions therein. His majesty told him, That since he went out of the house somewhat sooner than the lord keeper to be [illegible] before the lord keeper asking the lord keeper, he told him the king had not left any [illegible] to attend him special[illegible]."

Orders relating to the Magazine at Hull.] This day sir Philip Stapilton [illegible] up a message to the lords, to acquaint them "That the commons were informed that there is at Hull a Magazine of the king's with Arms for 16,000 men and proportionable ammunition; in regard no great strength is in the town, and that the country about is full of Papists ill-affected, the commons desire their lordships to join with them that some companies of the trained bands, next to Hull, be forthwith put into that town, for the safeguard of it and the magazine. The said trained bands to be under the command of sir John Hotham, who hath the command of that town already, by patent from the king." This was agreed to by the lords, with this addition, "That the said sir John shall not deliver up the town of Hull, or magazine there, or any part thereof, without the king's authority signified unto him by the

[illegible]

... and commons, now assembled in parliament, —Ordered, also, That the king be humbly ... and with this Order very speedily

... enables the Parliament to adjourn ... by Plan.] Sir Philip Stapylton, ... reported a bill, intitled, "An Act that ... and Commons may adjourn themselves, respectively to such place as which bill was read: Ordered, That the said bill be read ... time. The said bill was ... read a second time. The House ... to be ... ingrossed; and read a third time ... Ordered, That the Lords ... with a message to desire ... Ministers, and ... for redeeming Captives in Algiers.

... Commons desire ... from him ... Tower.] A message was brought from the Commons, to ... the Lords ... That, in regard ... Lieutenant of the Tower, the citizens ... shutting up their shops and giving ... and in regard ... their good affects ... expressed to the Parliament, the commons desire ... that upon ... with them to prevent ... Lieutenant may be hindered ... from being ... of the Tower ... Lords Commons be recommended ... The Lords taking ... great ... Ordered, That this ... Commons ... Lords ... Lieutenant ... Tower ... Lords Commons ... Lieutenant ... Tower ... Lords Commons ... Lieutenant ... Tower ... Lords Commons

cause the king's command is always supposed to be implied in an Order of their house.—After some debate, the lords sent a message to the commons to acquaint them with this affair; who soon after returned their lordships these votes; 1. "That sir John Byron, the now lieut. of the Tower, hath committed high contempt against the authority and privileges of parliament, by refusing to appear upon the summons of parliament." 2. "That he shall be sent for as a delinquent." To the first vote the lords agreed, but demurred to the second for that time.

A message was brought up from the commons, that col. Lunsford had left the Tower and appeared in arms, at Kingston upon Thames, to the terror and affright of his majesty's subjects, &c. and to desire their lordships that lord Digby might be sent for to attend their service, as a member of that house. The lords answered, That they would send for him, if he was at Kingston or at court, but if he be gone to Sherborn to fetch up his lady, he had leave to do it.

The earl of Southampton drooping some words, this day, in a debate, "That the parliament had neglected their duty to the king for the safety of his person," he was called upon to explain them. After which it was resolved, nem. con. "That this parliament hath performed the duty to the king for the safety of his person, and that the earl had satisfied the house with his explanation."

The King's Answer concerning the Magazine at Hull, &c.] June 15. The lord-keeper reported, "That he had waited on the king, and had moved his majesty, to be pleased to give his royal assent to the three Bills lately passed. And had likewise acquainted him with the Order made concerning the putting of sir John Hotham into Hull, to the return of that answer and the Magazine there." To which his majesty returns these Answers: 1. "Concerning the bill for pressing of mariners and that for the Captives at Algiers, his majesty is content to give his assent to them, and for that purpose, had given warrant for the same." But, for the bill for giving power to the lords to adjourn to London &c. his majesty says, in regard that neither he, nor any of his council hath seen it, he will take some time to consider of it before he resolve any thing therein. For the fears concerning Hull, his majesty hath formerly considered the same, and hath already taken special care for the security of that place from the adjourning Papists."

The King waves any present Proceeding against the accused Members.] The lord keeper also reported what his majesty had commanded him to deliver, concerning the lord Kimbolton and the five Members: "That his majesty taking notice that some think it disputable, whether this proceeding against that lord and those gentlemen be legal and agreeable to the Privileges of Parliament, and being very desirous to give satisfaction to all men in all matters that may seem to have relation to Privilege, is pleased to waive his former proceedings, and all doubts being by that means settled, when the minds of men are composed, he intends to proceed therein, in an unquestionable way, and assures his parliament that, upon all occasions, he will be careful of their privileges, as of his life and his crown."

Earl of Monmouth's Speech for the King's Return to Whitehall.] We meet with the following speech of the earl of Monmouth to the house of lords, on occasion of the king's having withdrawn himself from Whitehall.

"My Lords, I shall desire to be heard speak a few words, which I would much rather have heard spoken by any of your lordships, that so it might have a happier and a more handsome expression, though with a better heart, and clearer intentions, they could not have been spoken. The sad condition we are now in, my lords, is such as is too apparent to any one, who but hath half an eye. The city of London is full of tumults and apprehensions; we have no free from fears, the king hath withdrawn himself from hence, together with his queen and children, out of a belief, as I conceive, that his majesty's person was not safe here. While things continue in this posture, my lord, we may well fear an impairing, we cannot hope for the bettering of affairs. God hath placed us in the medium between the king and his people; let us play our parts, as wise men do our doors, and discharge our consciences, let us really prove, what we are by many noblemen; let us endeavour to work a perfect and a true understanding between the king and his people; let us freely unbosom ourselves to his majesty, and desire that his majesty will be pleased to do so to us; and to this end, my lords, if it shall be approved of by your lordships I do humbly move, That, by way of conference, or in any other way, we may desire the commons to join with us; first, in an humble petition to his majesty that he would be graciously pleased to return to his good city of London, as the safest place, we conceive, for his sacred person from these distempered times, and, then, that they will likewise join with us in a petition of protestation, That we will do what in us lies to free his majesty from his fears, to remove the citizens of London, and his majesty's other subjects, their jealousies and apprehensions, and that we will live and die his majesty's faithful advisors, counsellors, and loyal subjects."

The Lieutenant of the Tower being, at last, come to the house, was brought to the bar; and being asked, Why he committed the high contempt yesterday, he answered, "That he was in a dilemma between his majesty's commands and their lordships order; but he understanding since that the king's command is involved in that order, and was one in effect, he desired their lordships pardon for his not coming yesterday; professing, he did it not

[1] London, Printed for John Benson, 1642.

of any disobedience or contempt of the parliament." This Answer was sent to the commons and the same day the lieutenant was dismissed his attendance on the lords for that time.

The Attorney General examined in relation to the Proceedings against lord Kimbolton, &c.] The Attorney General was then heard what he could say to justify himself, for charging the lord Kimbolton and the five members, and to prove it was a parliamentary proceeding, and no breach of privilege. And, first, he said, "That for the matter of the Charge, and the framing of the Articles, he had nothing to do with them, neither did his majesty advise with him therein, but the bringing of the Charge into this house, which he did by his majesty's command, and only in obedience thereunto and for the legality of this proceeding, he insisted upon, and opened at large, the whole proceedings of the king's attorney in the case of Bristol's Case, 2do Caroli," (see p. 79.) which being done, the house appointed to take this business into further consideration the next day.

The lord Kimbolton, upon his majesty's late message concerning himself and the five Members, moved, "That since his maj. waived the former proceeding, the house would become suitors to his maj. that he may be brought to as speedy a trial as may be, that so he might not lie under this accusation, but be cleared or judged."

The commons also having desired liberty to examine the Attorney General, upon certain interrogatories, he made it his humble request to the lords, "That he may be excused in not answering to any questions to discover what the king hath committed to him as secret council, which, by his oath, he is bound not to reveal; but what concerns himself he would willingly and ingenuously answer unto." And it was the sense of the house, That Mr Attorney, at the conference, shall desire for to answer to some questions that may be asked him, the house will take it into consideration whether it be fit for him to answer or not.

The Declaration of the Commons for putting the Kingdom into a Posture of Defence.] A message from the commons was brought up to the lords by Mr Whitlocke, with a Declaration for putting the Kingdom into a Posture of Defence, which, having passed their house, they desire their lordships to join with them therein, that it may be dispersed throughout the kingdom. This Declaration was as follows:

"Whereas the Papists, and other ill-affected persons within this kingdom, both before and since this parliament, by many wicked and traiterous designs, mentioned in a Remonstrance of the State of this Kingdom, have plotted and laboured the confusion of this state and government; the subversion of the antient and fundamental laws of this kingdom, and a division of the body of this commonwealth from the head thereof; to the end they might the better effect their devilish and bloody purposes, for the utter destruction of the true reformed religion and the professors of the same; and in further pursuance of their wicked endeavours, have and daily do contrive all possible means to bring this kingdom into the like miserable condition with that of Ireland, as does clearly appear to the lords and commons in this present parliament, by sundry informations and examinations produced before them: and they, the better to bring the same to pass here, do secretly and cunningly work to raise distractions in this kingdom, by high breaches of the privileges of parliament, plotting to have some of the members thereof accused of high treason, and to be taken out of the house of commons by force, and, to that end, resorting in great numbers, in a warlike manner, to the very doors of the said house, armed with swords, pistols, and other weapons, ready, and intending to fall upon the said house, and cut the throats of the members there, as by divers examinations clearly appears; whereby this parliament might have been involved in blood and confusion, the relief of the Irish Protestants prevented, and an evident and speedy way opened to the ruin of us and our religion here in this kingdom: but failing of their hopes therein, through the great mercy of God towards us, neverthless, they still persist in their hellish and traiterous courses, confederating themselves with strangers, and engaging foreign princes to join their counsels and forces, and by invasion from abroad, and intestine war here amongst ourselves, to waste the wealth and people, and totally to annihilate the true Protestant religion, and the whole frame of government in all his majesty's dominions. And, building upon that foundation, great numbers of Irish Papists, and other disaffected persons, of our existence and welfare, have entered themselves as a list, under pretence to serve his majesty for the execution of the wars in Ireland, and have made great preparations of money, ammunition, and victuals for that end, in the kingdom, where they have been and yet continue assemblies to counsel how they might compass their detestable designs; and, though malignant counsels have prevailed so far, as to have the Tower of London, and other places of eminent strength and trust, to be put into the hands of such persons as we have just cause to suspect will affect popery, and innovation in the strength of the kingdom against itself—All which, the lords and commons, in this present parliament assembled, as watchmen trusted for the good and welfare of the king, church, and state, having taken into their serious consideration, and laboring by all fit means to prevent these great and threatening dangers to his majesty's royal person, to our religion, lives, liberties, and fortunes, have thought good to give timely advertisement thereof to all his majesty's subjects of the reformed Protestant religion, declaring thereby that they hold it necessary and advise-

able, that with all expedition they put themselves into a posture of defence, to provide fit arms and ammunition, and be ready, on all occasions to defend their several counties, from domestic insurrections or foreign invasions. And that the sheriffs, justices of the peace, mayors, and head offices, within their several liberties, do take care, that their magazines of powder, arms, and other ammunition be compleatly furnished, and that they cause strong guards and watches to be set in convenient places to secure themselves, and for the apprehending of such persons as they shall have just cause to suspect; and if, upon examination, any grounds of danger shall appear, to give notice thereof to the parliament; and that all officers do take care that no soldiers, arms or ammunition, be raised or levied, nor any castles, forts, or magazines delivered up, without his majesty's authority, signified by both houses of parliament."

Jan. 11 The lords took into consideration the above Declaration; and, after much debate, the question was put, Whether the preamble of this Declaration should be referred to a committee to be so drawn, that it may appear to be the Narrative of the commons only, and so published? It passed in the negative But though the lords refused even to commit this Declaration, yet it was resolved to have a conference with the commons, to learn the reasons that induced them to make this Narrative therein

The King's second Message relating to the accused Members.] The lord keeper reported the lords, That he had just then received a Letter and a Message from the King both which were ordered to be read, and were in these words

"My lord keeper, This is to command you to deliver that which is contained within the inclosed Paper, as a Message from me to both houses; and that instantly, and without delay And so I rest your assured friend,

Windsor, Jan. 11, 1641. "CHARLES R"

The Message was as follows:

"His majesty being no less tender of the Privileges of Parliament, and thinking himself no less concerned, that they be not broken, and that they be asserted and vindicated whensoever they are so, than the parliament itself, hath thought fit to add to his last Message, this profession, That in all his proceedings against the lord Kimbolton, and the five Members, he had never the least intention of violating the least privilege of parliament; and in case any doubt or breach of privilege remains, he will be willing to clear that, and assert those, by any reasonable way that his parliament shall advise him to. upon confidence of which he no ways doubts his parliament will forthwith lay by all jealousies, and apply themselves to the public and pressing affairs, and especially to those of Ireland; wherein the good of this kingdom, and the true religion (which shall ever be his majesty's first care) are so highly and so nearly concerned; and his majesty assures himself, that his care of their privileges will increase their tenderness of the lawful prerogative, which are so necessary to the maintenance of each other, and both which will be the foundation of a perpetual perfect intelligence between his majesty and his parliament, and of the happiness and prosperity of his people."

Sir P. Stapylton's Speech on Occasion of Lord Digby and Col. Lunsford appearing in Arms at Kingston.] Jan. 15. In a debate concerning the lord Digby and the Kingston business before-mentioned,

Sir *Philip Stapylton* made the following speech:*

"Mr. Speaker, It is the continual practice of the devil, after any of his works of darkness, and malignancies intended against God and his Christ, is discovered and annihilated by the special power of Divine Providence, to practise new; being always striving to increase his own kingdom, always warming to himself fresh instruments, to yield to his suggestions and temptations, and execute the same.—I am now to speak concerning this new treachery and conspiracy, radical carried to be practised by two common persons, that have, especially the one of them, obtained the favour not only of their prince, but applauded for their behaviour by most of his majesty's subjects, the lord Digby and col. Lunsford, the first had the honour to sit in this house as a member thereof, so well approved was he both of his king and country, none more forward against evil-doers, at the first, than himself seemed to be, both by his speeches and disputes; but, in heart, altogether as it seems, favouring the Bishops and their cause: and although it seemed but a little, yet encreasing daily more and more, he grew to such strength in his opinion concerning innovations, that he adventured to take part with the earl of Strafford, trusting too much to the same: so high his pride, that at length he presumed to oppose and set himself against the proceedings of the whole house against the said earl, obstinately refusing to be admonished concerning the same; and yet, keeping many of the lords his friends, he was, by his majesty, as a favour, called to that house; aspiring yet higher, obtained his princely favour, not yet acquainted with his secret intentions; by which means, too confident of his and security in his designs, he adventured openly to comply with the public enemies both of king and country, and especially now, with this other person of whom I am to speak, colonel; who, being by his majesty advanced to that dignity and trust, could not so contain himself, but imitating the water-toad, would the shadow of a horse seem bigger than himself swelled to compare with the same, and so burst even so this gentleman, having obtained this place of command, and afterwards the of the Tower, and being found of such a

* From Nalson's Collections.

spirit that he was unfit and incapable for [illegible] great place of trust, and therefore re[illegible]self, taking the same a great dishonour [illegible]s worth, he now endeavours, by traitorous and desperate actions, to defend himself, and be revenged of his pretended adversaries; and to that purpose they have, between them jointly, raised arms against the state met together in peaceable consultations for the good of the church and commonwealth.—Mr Speaker, these attempts, made by these persons, are of dangerous consequence, and this their insurrection, by taking up arms without warrant both from his royal majesty and this high court of parliament, only to the end to hinder or raising sedition and contention, thereby to preserve themselves from being called to an account for their desperate actions will prove harder to appease and suppress, than any troubles we have yet suffered.—Mr Speaker, I conceive quick dispatch in our intention, for the apprehending and suppressing these persons, is the only means to prevent future danger: and to that purpose I desire to present to your considerations these particulars: 1. That warrants may issue forth for the speedy and private apprehending of them, in what place soever they shall be found and immediate bringing of them before the parliament. 2. That a guard may be effected to issue forth presently for their safe calling in, within a certain time limited, under pain to [illegible] being [illegible] as traitors to the king and [illegible]. 3. That [illegible] the [illegible] the guard to be raised, [illegible] the [illegible] kingdom and the [illegible] pack [illegible] for [illegible] in the [illegible] 4. That [illegible] general [illegible] suspected either at [illegible] trends or disposition [illegible] to this house, in the [illegible] [illegible] shall [illegible] [illegible] [illegible]

depending. hereupon they excused themselves he will make good those Articles, when to his majesty, as well as they could, That, as he thereunto called in due course of obedience to his writ, they were obliged to his he answered, 'He cannot do it, assist in parliament, and that their attendance not do it, otherwise than as his master shall there, about the high affairs of the realm, was and him and shall enable him, no more truer service to his majesty than any they could he that never heard of them can do it.' do him at Hampton-Court.—Lord Clarendon ne asked, From whom he received these tells us, "This refusal so incensed the king, ices, and by whose direction and advice he that from this time he was determined to re- exhibit them? He answered, 'He did more those two Lords from their respective bein by his master's command, and from offices." But he did not put his resolution hands he did receive them.' 5. Being into execution till the April following, as will Whether he had any testimony, or proof, of appear in the sequel. Articles before the exhibiting of them? He gave

A Remonstrance from the Commons to the his Answer, 'That he received the command of *Lords against the Lord Digby.*] Jan 15 *p. m.* his majesty but whether he had any proof then A Remonstrance came up from the commons, offered, or intimation of testimony, to make about horses and armed men raised by Digby those Articles, he desired time to consult Kingston, to the number of 1000, to the order of it.' He was pressed again to make An amazement, that in time of peace, and the sewer to this, but desired time to consider of it, parliament sitting, such forces should be raised saying, 'There was a secret trust between a They desired also, that such persons as raised master and a servant, much more in this case.'— them may be declared disturbers of the peace. Hereupon it was ordered, "That some way be of the kingdom, and that the lord Digby, in his thought of for charging Mr. Attorney, by this had been with the soldiers at Kingston, and house, as criminous, for exhibiting these Arti- had given them thanks in the king's name, and like in the lords house, against members of the told them 'That his majesty had brought them house, without any information or proof that out of London to keep them from being trans-appears; and that this house, and the gentle- pled in the dirt,' might be sent for further to answer charged by him, may have reparation attend this house. Hereupon it was ordered, from him, and that he may put in good secu- That the lord Digby shall be sent for to attend- ity to stand to the judgment of parliament." the house, as a peer of this realm, without fail. It was also resolved, "That a committee be

The Examination of the Attorney General appointed to prepare a charge against Mr. At- *concerning the Articles against the Attorney.* torney, upon these votes of the house."

Members.] This day Serjeant Wilde reported to the lord keeper reported the effect of another the conference had on Thursday night last conference held this afternoon, by the desire of with the lords, concerning Mr Attorney's with the commons, concerning the king's late Mes- Articles in the lords house against sages, about the impeachment of three 5 Mem- members of this house, as follows: "The committees, "That the commons had taken them into ference consisted of two parts; 1. The Nature serious consideration, and had resolved upon the first Part, That these Articles exhibited by Mr. the question, That the said impeachment, and Attorney, and entered in the lords house the proceedings thereupon, is a high Breach of was a Breach of Privilege of parliament, and Privilege of Parliament. That, in order to the that, in due time, this house would declare this breach, they propose a committee justice may be done upon Mr. Attorney. The of both houses may meet to consider about it; second part was, To examine Mr. Attorney, and to petition his majesty, That those upon certain questions, and to receive his Answer informed him against these members, his swer. 1. He being asked, Whether he can come in five days time in charge them, or any- to avid, framed, or advised the said Articles, or that they may be cleared in such a way as he any of them, if not, then whether, he did parliament shall think fit." The lords, being know or hath ever heard, who did frame, con upon passed the same vote as the commons trive, or advise the same or any of them? To and appointed a committee of 21 of their house this he answered, 'That he would deal clearly to meet with a proportionable number of the freely, and ingenuously, and that he should as commons, to consider of this affair.

the same which he had before delivered to the Jan 17. The king's Answer to some lords, and should not need any time to Answer points sent him on the 15th was, "That this; for, that he had done none of these direct to the bill for adjourning the Parliament that is, neither framed, advised, or contrived Westminster to London, or any other place these Articles, or any of them; and would his majesty will take further time to consider contented to die if he had' 2. Being demanded And as to the securing the town and Magazine Whether he knew the truth of these Articles at Hull, his majesty conceiveth he hath to or any of them, of his own knowledge, or he given a satisfactory answer."

it by information? To this he answered A committee of the lords and commons were 'He did know nothing, of his own knowledge appointed, jointly, to meet at Grocers Hall, of the truth of these Articles, or any part London, to consider of the Safety of the King them, nor hath heard it by information Also dom, the Privileges of Parliament, the Affa- that ever he hath heard concerning this we of Ireland, and concerning settling the peace from his master. 3. Being asked, Whether Distempers.

...peace to pass ... The Lieutenant ... and Gentlemen ... to the ... the Lords ... in and assert ... of March ... themselves, brought ... assured Sir Peter ... entire retinue ... had for their fees and ... Baron, and why they ... bullion to the Mint? ... he had disobeyed the order ... parliament, also, that he ... known to them, and that ... a lieutenant put in as the ... majesty to remove sir John ... being lieutenant of the ... and to place sir John Conyers ... passed in the negative.

Answer of the 12 Bishops, to the ... them] This day the 12 Bishops ... severally, to the bar of the ... committee of the commons ... first the abp. of York, who ... lingment, was bid to rise ... keeper, by direction of the ... That this was the day appointed ... ive in his answer to the impeachment ... Commons against him or ... grace answered, that on the ... he received an order, with ... against himself and 11 other ... Treason, by the commons ... also received several other ... days, to put in their answers ... order for this day, that he ... ing to their lordships ... own Answer to the ... manner.

"I John, archbishop of ... myself all advantages ... sufficiences at the said ... If say, That I am not ... son charged by the said ... manner and form as the said ... charged."

The archbishop desired a ... trial, and then withdrew. ... the rest of the bishops were ... bar, and gave the same answer. ... the bishops delivered in the following petition.

To the Right Hon. the Lords ... the House of Peers. The Humble ... TION of John Archbishop of York ... other the Bishops impeached by ... House of Commons, the 30th of December last,

"Humbly Sheweth, That your petitioners ... by your honourable selves, were to put in ...

...ARL. HISTORY.

...shall ... Baresme', ... saphen' ... Geo. Herell', ... Jo. Peir- ... the 12 Bi- ... ind, to the ... Durham, and ... inded to the ... all the rest to ... *the Safety of* ... King was sent ... keeper, and some ... to be communi- ... re read in these ... the lords' Order, ... of commons; ... d, concerning ... the Prince, not ... iament should ... en hardly be ... but there had ... rince of ... necessarily throw ... the prince being now ... him; and his maj. ... ond a further and ... that any should ... would permit ... of the kingdom, ... counsel." ... could be sent ... Hall, and then ... stant. ... *touching the* ... *Proceedings* ... 10 This day ... stance of three ... at Guildhall ... print, accord- ... Commons, ... Privileges, ... of divers ... thanks ... Mr Pym Mr ... this ... him, ... request to ... ed up ... Fleming and others which is contrary ... the Privileges of Parliament. But the

[illegible] liberty of [illegible] members, [illegible] der the like [illegible] his majes[illegible] a manner [illegible] s[illegible] the house [illegible] him, the [illegible] Lieut[illegible] mediately, [illegible] to send [illegible] them, [illegible] Indeed [illegible] the [illegible] stress [illegible] members. [illegible] [illegible] [illegible]

might have happened [illegible]
printed Paper, in the [illegible]
bearing date the 6th da[illegible]
hath issued out for the [illegible]
imprisoning of [illegible]
through the omission o[illegible]
were absent, and that [illegible]
themselves to justice W[illegible]
That the said printed [illegible]
dalous, and illegal, [illegible]
the said printed Paper[illegible]
ment, or any other [illegible]
them, or any of them, [illegible]
attend the service of the [illegible]
mons, and the several [illegible]
—And we do further [illegible]
lishing of several Ar[illegible]
of a Charge of High [illegible]
Kimbolton, one of th[illegible]
house, Mr Hollis[illegible]
Mr. Hampden, and [illegible]
the house of commons [illegible]
sir Wm Fleming, [illegible]
Court, and discolou[illegible]
a high breach of the [illegible]
a great scandal to [illegible]
ment, a seditious [illegible]
the subversion of the [illegible]
and an injury and dishonour [illegible]
ers their being in legal [illegible]
ing against them — That the [illegible]
in it, and the liberties of [illegible]
land and both, cannot [illegible]
eenth inflicted, unless [illegible]
enough pleased to [illegible]
persons, who advised [illegible]
rants for the taking [illegible]
of the said members [illegible]
ty unto the house of [illegible]
the said members [illegible]
ants, and that [illegible]
found the said [illegible]
shall be [illegible]
of the said A[illegible]
form of a Pa[illegible]
bers, in such manner [illegible]
the end that such [illegible]
punishment — and [illegible]
are, that all such [illegible]
commanded [illegible]
assured that [illegible]
ment, or have [illegible]
intended [illegible]
be aiding, [illegible]
endeavour [illegible]
do, or that shall [illegible]
mentioned [illegible]
the same [illegible]
Speaker of either of the said [illegible]
hand declare it; are declared [illegible]
of the state and peace of [illegible]
shall be inquired of, and proceeded against
cordingly."

The King's Message, desiring the Par[illegible] to settle all Grievances in [illegible]

Jan 20 The lord keeper acquainted [illegible]
lords, that he had [illegible] received a Paper

from the [illegible] houses of parliament, [illegible] to be read, and it was in these [illegible]

"He [illegible] the manifold dis[illegible] kingdom, [illegible] peace and [illegible] extremities in which, [illegible] chiefly interested so he [illegible] reasons, most obliged [illegible] for the preventing there[illegible] as must, [illegible] that, [illegible] po[illegible], or [illegible] has [illegible] people here, such, that [illegible] respect of [illegible] time should be [illegible] threatening evils, [illegible] of the ordi[illegible] doubt think [illegible] on to both [illegible] read, with all [illegible] all [illegible] necessa[illegible] maintaining [illegible], and [illegible], as for the pre[illegible] of their privi[illegible] enjoying of their [illegible] of their per[illegible] true religion now [illegible], and, and the [illegible] such a manner as [illegible], which, when [illegible] composed into [illegible] themselves [illegible] judgment [illegible] his royal maj[illegible] ending [illegible] the too [illegible] reasons seem [illegible] will be to [illegible] must [illegible] and [illegible] ment [illegible] the [illegible] Blessing [illegible] and blessed [illegible] to call [illegible] this happiness [illegible] was [illegible] [illegible] quants [illegible] and [illegible] bills [illegible] [illegible] may [illegible] [illegible] be [illegible] draw [illegible] [illegible] to [illegible] [illegible] to all your [illegible] subjects, they have thought fit to re-

turn your majesty [illegible] the same, and [illegible] this will take it into consideration, as [illegible] portance doth [illegible]

Ordered, That [illegible] commons to desire [illegible] present Answer [illegible]

Conference and Answer.] A conference was [illegible] concerning the [illegible] agreed to by the [illegible] the house, by the lord [illegible]

"That the house [illegible] lordships in mind of the [illegible] ing the placing of sir John Hull; and had power given [illegible] that town some of the [illegible] county, for securing the [illegible] Magazine there, the said [illegible] vernor, by the king's grant [illegible] seal; yet the said Ordnance [illegible] companies not suffered to [illegible] which appears by a letter [illegible] deputy to sir John, [illegible] of Newcastle is there, with a [illegible] King's hand and seal manual, to [illegible] and magazine delivered unto his [illegible] vernor; and to draw in such of the [illegible] Bands as he shall think fit. For the regiment of sir John Methum [illegible] of parliament hath been pressed [illegible] and aldermen of the town, who [illegible] were willing to obey the king in [illegible] but, for the present, they had [illegible] and until they had an Answer there willing the men, who were past [illegible] gate, should be admitted. [illegible] most averse, were Mr Alderman [illegible] present mayor, Mr Pennard, [illegible] Cartwright, who, [illegible] a peremptory Order made for the [illegible] commands of the parliament [illegible] would be effected.—The [illegible] That they held this to be [illegible] both houses, and to the earl of Essex as lord lieutenant of Yorkshire, under the great Seal of England, and recommended it to the [illegible] both houses, for his noble and [illegible] confidence, to that place: [illegible] desire, That the earl of Newcastle [illegible] this house, may be sent for, to show by what warrant he came to be governor of Hull, and to raise the power of the county."

The lords, after some consideration of this matter, directed the lord keeper to write to the earl of Newcastle to come and attend the house immediately. They ordered, also, That the mayor, and the other aforenamed persons, should be sent for, and bring up their charter along with them.

A message came up by sir Philip Stapylton, importing, "That the commons had heard there was a report carried to the Queen, as if that house had an intention to accuse her majesty of High Treason, and that some Articles were brought to the queen for that purpose; and, as they understand, the earl of Newcastle was told as much by the queen herself. The commons conceive this to be a great abuse upon them, never having any such thing in their thoughts, they desire their lordships to join with them in sending some from [illegible] houses to the Queen, humbly to desire [illegible] may be pleased to discover the [illegible] that [illegible] her this information, and deliver those Articles to her?" The lords agreed [illegible] and ordered the earl of Newport and [illegible] Seymour to wait upon her maj.

[illegible]

The commons refused to join with the lords [illegible] Answer to the king's last Message [illegible] addition, the substance of which [illegible] that he would be pleased to put the [illegible] him, with all the other forts, and [illegible] in this kingdom, into such hands [illegible] parliament could confide in."

[illegible] *Petition the King to hasten the* [illegible] *Kimbolton*, &c.] The commons [illegible] Petition, and sent it to the lords; [illegible] is in these words.

[illegible] King's most Excellent Majesty, The humble Petition of the Lords and [illegible] now assembled in Parliament,

[illegible]th That whereas, of late, there [illegible]n sundry and great Breaches of the [illegible] of Parliament; and your majesty, in [illegible] to both houses, was pleased graciously express, that you would be willing to [illegible] it them, by any reasonable way [illegible] parliament should advise you to, we [illegible] parliament time, present the particulars, together with our advice and desires, [illegible] concerning our privileges, and whereas [illegible] maj. by another Message to both houses, [illegible] expressed an apprehension of some treasonable matter to have been committed by the [illegible] Kimbolton, Mr. Hollis, and the rest, and [illegible]ired, That you will, hereupon, proceed [illegible] them in an unquestionable way. We [illegible] lords and commons do humbly beseech [illegible] that you would be pleased to give [illegible] that your parliament may be informed, in a few days, what proof there [illegible] against them; that, accordingly, there may be a parliamentary and a legal proceeding against them; and thus receive, in justice, what shall be their due, either for their acquittance or condemnation.—Thus we humbly conceive we are bound to crave both in regard of ourselves, and of them; being unfit that we should have any of our members liable to so great a charge, and thereby hindered from doing the service they respectively owe to their several houses; as that they, if innocent, should longer lie under so great a weight: or, if guilty, avoid their deserved punishment."

The lords agreed to this Petition, and ordered some of their body to join a committee of the commons to present it to the king the next day.

The King's Answer.] Jan 24. The king's Answer to the above Petition] was reported

to the lords by the earl of N[illegible]
purport

"That he doth well approve [illegible]
both houses, for the speedy p[illegible]
the petitions, mentioned in the P[illegible]
his may finding the great m[illegible]
the first mistake, hath caused [illegible]
that he might be informed in all t[illegible]
the same. But, before that h[illegible]
his may thinks it unusual to [illegible]
p of there is against them [illegible]
thinks it necessary, lest a n[illegible]
breed more delay, which his m[illegible]
will avoid, that it be resolved, Whether [illegible]
bound, in respect of protec[illegible]
against them by fine and [illegible]
o whether he be bound to [illegible]
ment of the common law, [illegible]
have his choice of either [illegible]
will give such speedy direct[illegible]
cution, as will shew his d[illegible]
houses, and put a determin[illegible]
sion s."

This day the lords to[illegible]
the Addition the commons [illegible]
them, to be added to their [illegible]
to the king for his [illegible]
house. And, after [illegible]
the petition, joined [illegible]
Parliament was intended [illegible]

"Whereas the [illegible]
house of commons [illegible]
of the kingdom [illegible]
the king, queen, and [illegible]
and dignity [illegible]
and duties [illegible]
estates [illegible]
[illegible]
[illegible]
[illegible]
hath been [illegible]
from [illegible]
[illegible]
[illegible]
[

diate per[illegible] particular lender, which [illegible] obtain, in regard of the [illegible] the petitioners humbly present [illegible] their further Answer, as the [illegible] That immediately before [illegible] since, divers great sums, [illegible] king and kingdom, have been [illegible] by the citizens of London, [illegible] supply of Ireland in particular, [illegible] whereof some of the lenders [illegible] to borrow, and cannot, to [illegible] That such part of those monies [illegible] due to the citizens from the parliament, [illegible] should have been repaid out of the [illegible] and Subsidies, is not yet done, by reason [illegible] not any considerable sum come [illegible] country, as was expected, to satisfy [illegible] 3. That the said 50,000*l.* lent for [illegible] hastened and speedily paid within [illegible] 2,000*l.* upon this ground [illegible] parliament, that if it were forthwith [illegible] be of more use to preserve that kingdom [illegible] the loan of 200,000*l.* or [illegible] six weeks, yet no considerable [illegible] further to this day. And we [illegible] not be willing to lend any thing, till [illegible] assured that a good strength be sent [illegible] with full commission, to relieve London[illegible], and other parts of that kingdom. 4. The general withholding of very great sums of money from the Petitioners, and many others, which monies have been long due, not only from chapmen and other debtors in England, but from very many in Ireland, who owe many hundred thousand pounds to the citizens of London, doth render divers persons, of good estates and credit, hardly able to go on with trade, or to pay their debts and to maintain their charge. 5. The brotherly offer of Scotland to send 10,000 men into Ireland, not yet so accepted as to produce any relief in that bleeding kingdom, while yet our brethren are daily massacred there, discouragement must needs [illegible] lending any money, were they ever so able. 6. The not passing the Bill for pressing of Soldiers here, whereby such forces as are requisite might be timely sent from hence into Ireland, puts many men into fears, that there may be some design rather to lose that kingdom, and to consume this to the losing of Ireland, than to preserve either the one or the other; for that it cannot be conceived, that the rebels, being grown so powerful, will be suppressed by volunteers. 7. The slow issuing of Commissions to those who, being in Ireland, or going thither, are willing to enter the field against the rebels, disables them from doing any effectual execution upon the enemy, unless in their own defence; and so all the monies that have been, or may be, sent thither, are exhausted to maintain our forces to do little or nothing worthy of them, rather than employed to chastise the rebels, and to reduce them to obedience; by means whereof the number and power of the rebels are greatly increased, divers castles and towns are by them taken, much Protestant blood is daily spilt, many thousand families destroyed, the malignant party of Papists and their adherents here are encouraged, and those rebels much emboldened, that they boast they will dispute the British nation there, and then invade England the seat of war. 8. The not banning of Papists here in England, after many discoverys of their treacheries and bloody designs upon the parliament and kingdom; the great decay of fortifications, block-houses and other scantlets; the not munifying of them, nor furnishing them with ordnance and ammunition, the not placing all of them in such hands in whom the parliament may confide; and the not setting this kingdom in a posture of defence, in times of so many fears and jealousies of foreign invasions and intestine conspiracies: the not removing the present lieutenant of the Tower, and putting such a person into that place as may be well approved by the parliament; notwithstanding the earnest petitions exhibited to this hon. house for that purpose, which hath produced a forbearance to bring bullion into the Tower, to this time of scarcity of money: all which cannot but overthrow trading more and more, and make monies yet more scarce, to the city and kingdom. 9. The King's Ships, which ought to be a wall of defence to this kingdom, and a convoy to the merchants, for which Tunnage and Poundage was granted, are not fitted and employed as the present condition of this kingdom and Ireland requires, but some of them for the conveying away of delinquents, who durst not abide the test of the parliament, to the great encouragement of the rest of the malignant party here, who, when their designs and themselves be detected, know how to escape the hand of justice, through the abuse of a royal conduct. 10 The not questioning those many thousands of unknown persons who are sheltered in Covent-Garden, and thereabouts, who do not employ themselves in any lawful calling, and, it is very probable, be in readiness to adventure upon some desperate attempt, to the endangering of the welfare, peace, and safety of the king's majesty, the parliament, and city. 11 The misunderstanding between the king and the parliament; the not vindicating the privileges of parliament; the not suppressing of protections; the not punishing of delinquents, and the not executing of all Priests and Jesuits legally condemned, while others, contrary to the Privilege of Parliament, have been illegally, as the petitioners conceive, charged with Treason to the deterring of worthy members from discharging their duties, and to the destroying of the very being of parliaments, do exceedingly fill the minds of men, well affected to the publick, with many fears and discouragements throughout the kingdom, and so disable them from that chearful assistance which they would be glad to afford. 12 By means of the premises there is such decay of trading, and such scarcity of money, neither of which can be cured till the former evils be removed, as it is likely, in very short time, to cast innumerable

multitudes of poor artificers into such a depth of misery and extremity as may enforce them to some dangerous and desperate attempts, which is to be expressed, much less to be justified, which they leave to the wisdom of this House speedily to consider and prevent.—These are the Evils under which the petitioners do exceedingly labour and languish, which they humbly conceive to have sprung from the envying of ill-affected persons in places of trust and honour in the state, and near to the sacred person of his majesty, and that these evils are still continued by means of the votes of Bishops and Popish lords to the house of peers.—And now that the petitioners have faithfully represented the true Reasons which do reasonably enforce them to return this Answer, most of which have been formerly offered to this honourable House, in sundry Petitions, and that they have done all that in them lies, even beyond all precedent to serve the king parliament, and kingdom; they humbly crave leave to protest, before God and the high court of parliament, that if any further miseries befall their dear brethren in Ireland, or if any mischief shall break in upon this kingdom, to the endangering or disturbing thereof, it might not to be imputed to the petitioners, but only to such as shall endeavour to hinder the effectual and speedy cure of the evils before recited, that so much the sooner and discourage the petitioners from craving that which, by this honourable House is denied of them."

The HUMBLE PETITION of the knights, Gentlemen, Ministers, and other Inhabitants, of the County of Essex in the Honourable House of Commons,

"Sheweth, To this honourable house, that we are truly sensible of your great care and extraordinary endeavours to settle our religion and peace; and daily bless God Almighty, the king's majesty, the peers, and this House for the same. And we do further, in all humility, represent to your honourable consideration, that notwithstanding your abundant care and industry, we do still apprehend a great stop of reformation in matters of religion and ourselves together with you and the whole kingdom, to be in great danger from the Papists and other ill-affected persons, who are every where very insolent, and ready to act the parts of those savage blood suckers in Ireland, if they be not speedily prevented, by means whereof our Trading, especially of clothing and farming, grow so pace to so great a damp, as many thousands are like to come to sudden want: nor can we expect any redress therein, unless the Bishops and Popish Lords be removed out of the house of peers. Therefore we humbly pray, that you would earnestly meditate with his majesty and the house of peers, that our brethren in Ireland may be speedily relieved, the Papists throughout this kingdom may be disarmed; the kingdom be put into such warlike posture, for defence, as may be for its safety; and that the Bishops and Popish Lords, who, as we conceive, have hindered the success of your godly endeavours, may be excluded the house of peers, not doubting but that then our petitions formerly presented to this house, will receive the more full and speedy Answer. And your petitioners resolving (in all just and honourable ways, according to our late Protestation) to assist you in your rights and privileges, with our estates and lives, against the enemies of God, the king and state, humble pray, &c."

The HUMBLE PETITION of the Knights, Gentlemen, Freeholders, and others, Inhabitants in the County of Hertford, to the Honourable the House of Commons,

"Sheweth, That this church and kingdom being, by the prelates, the multitudes of corrupt and scandalous ministers their creatures, and the Popish part, concurring with them and the ill-affected, and wicked counsellors, evil ministers of state, and great swarms of papists, and ill-affected to the peace of this realm, on the other hand) brought to a sad and miserable subjection and ruin, and thereby the splendour of his majesty's crown and dignity many ways weakened and eclipsed: it pleased his majesty, in any respect to the Petitions of nobles and people in that behalf, to call this present parliament, the only able means, under God, to reform the many pressures and grievances of the church and kingdom, and to remove the causes thereof.—Which parliament, to the honour of his majesty, and comfort of his loyal subjects, hath cut off many Justice halls erected, Arbitrary Courts, Ship Money, Monopolies, and other illegal impositions removed, the shedding of much blood prevented by the Scottish union between the two kingdoms of England and Scotland, and further hopes given us of putting a final period to the happy reformation and much-desired progress of this parliament.—And although that unchristian party of Prelates and Papists and their adherents do now present standing and the happy success of this parliament, in the petitioners humble conceive, have contrived, have by their manifold wicked practices and designs, endeavoured to hinder all the good reformation in church and commonwealth, to stifle, in the birth and progress, all those good bills and other preparations made by the honourable parliament for that purpose, and especially for the relief of the kingdom of Ireland, the ruin whereof will endanger this kingdom also) to stop the influence of his majesty's royal intention in giving life thereto, to divide between his majesty and this honourable assembly, and to render you not only contemptible, but also burthensome to the people, yet the petitioners found, as they verily believe, all well-affected to his majesty and the peace and prosperity of this kingdom, have, and still shall continue an high and honourable esteem of this worthy assembly, and of your great and unwearied endeavours;

and do with the utmost expressions of their thankfulness, acknowledge the same, and the progress and perfecting thereof, to be of great consequence and deep necessity to the peace and welfare of this church and kingdom, and such as without which not only a reformation of former calamities, but even utter ruin and dissolution, like that, being too long continued in sad and much lamented Ireland, will apparently ensue.—From the sense wherein and of the great and unbounded Breaches lately made upon the Privileges of Parliament, even to the endangering of the being thereof, wherein your petitioners and their posterity are much concerned. The petitioners take upon them the humble boldness to declare their resolution and great engagements, according to their protestation, to stand to, and defend, to the utmost peril of their lives and estates, the king's majesty and high court of parliament with all the power and privileges of the same, and all your honourable proceedings for the common good, against all Popish and other malignant opposers who endeavour, either by evil counsel, secret plots, or open force, to hurt or prejudice the same, or to make divisions between his majesty and the parliament. And the said petitioners humbly pray, that the Papists may be fully disarmed; the laws against them put in full execution, and the kingdom, and especially this county, recording to their late Petition in that behalf, put in a posture of war for their better defence; the forts and strength of this kingdom put into safe hands, which the parliament may confide and trust in; the Privileges of Parliament repaired and thoroughly vindicated, that this present assembly (as hath been both desired and vowed by the citizens of London) will be a means to move his majesty and the house of peers that his majesty may be speedily given to understand the necessity of the votes of the house of commons and of the house of peers touching the speedy and effectual relief of Ireland; the chief promoters of the late delinquents; the remonstrance of the present sad grievances in church and commonwealth; and reforming of what is found amiss. And all which your petitioners shall duly pray, &c."

These Petitions being read,

Mr. *Pym* reassumed his discourse. "My lords, in these 4 Petitions you have heard the voice, or rather the cry, of all England, and you cannot wonder if the misery of the extremity of the condition wherein we are do produce some earnestness and vehemency of expression more than ordinary. The misery, terror, and perplexity in which the kingdom labours, is universal, all parts are affected with it, and therefore in these you may observe the grounds and miserable complaints of all.—Three reasons may be given why those diseases which are epidemical are more dangerous than others. 1 The cause of such diseases is universal and supernal, not from any evil constitution or evil diet, or any other accident, and so it causes work with more vigour and efficacy than those which are particular and inferior. 2. Diseases there is communicative, whereby the malignity of their is multiplied and enlarged. 3 They have a contagious transforming power, that turns other diseases and all the humours of men's bodies into such a nature.—I. The common and epidemical disease, wherein this our commonwealth is grasping, hath a superior and universal cause from the evil counsels and designs of those who, under his majesty, bear the greatest sway in government. 2 It hath a contagious infectious quality, whereby it is diffused and dispersed through all parts of the kingdom. 3. It is apt to take in the discontents, evil affections, and designs of particular persons, to encrease and fortify itself.—I shall take occasion, from several branches of those Petitions to observe, 1. The variety of dangers to which this kingdom is now subject. 2 The manifold distempers which are the cause of those dangers. 3. The multiplicity of those evil influences which are the causes of those distempers.—The first danger is from enemies abroad; this may seem a causeless and impertinent observation at this time, seeing we are in peace with all nations about us. But, my lords, it may be pleased to consider that the safety of the kingdom ought not to depend upon the will and disposition of our neighbours, but on our own strength and provision; because times there are often sudden changes, from peace to war, according to occasion and advantage. All the states of Christendom are now armed, and we have no reason to believe but that those of greatest power have an evil eye upon us, in respect of our religion. And if their private differences should be composed, how dangerously, how speedily, might the great armies, and other preparations now ready, be applied to some enterprise and attempt against us? And if there were no other cause, this were sufficient to make us stand upon our guard. But there are divers more especial symptoms of dangers of this kind. We may perceive, by several advertisements from abroad, that they did foresee our dangers many months before they broke out. They could foretell the time and manner of them, which is clear evidence they held intelligence with the [illegible] which were the contrivers and workers of our present troubles. We have many dangerous traitors and fugitives now in other parts, who can discover the weakness and distempers of the kingdom; who hold intelligence with the ill-affected party here, and by all cunning and subtle practices, endeavour to incite and provoke other princes against us. Some of the ministers of our neighbour princes are justly suspected to have had a more immediate hand and operation in the insurrection and rebellion in Ireland; many of the commanders and most of the soldiers, levied for the service of Spain, are now joined with the rebels there; and those Irish friars, which were employed by the Spanish ambassador for the making [illegible] these lewes, are known to have been the chief

boundaries of this rebellion, and are still very active in the prosecution and encouragement of it.—The rebels have a ready and speedy supply from some of our neighbours. Two ships of munition and arms we are certainly informed of, one from Dunkirk, the other from Nantes in Britany, and certainly those that are so forward to encourage others to hurt us, will not forbear to hurt us themselves, as soon as they shall have means and opportunity to do it.—Another danger is from the Papists and ill-affected party at home. The Papists here are acted by the same principles with those in Ireland, many of the most active of them have lately been there, which argues an intercourse and communication of councils. They have still store of arms and munition at their disposing, notwithstanding all our endeavours to disarm them; they have a free resort to the city and to the court, they want no opportunities to consult together; they have the same or greater encouragements from above, and from about them, than ever, in respect of the example and success of the rebels in Ireland, until the great confusions and divisions which, by their cunning and subtle practices, are raised and fomented among themselves at home.—A third Danger is of Tumults and Insurrections of the meaner sort of people, by reason of their ill vent of cloth and other manufactures, whereby great multitudes are set on work who live for the most part upon their daily gettings, and will, in a very short time, be brought to great extremity, if not ruined. Nothing is more sharp and pressing than necessity and want, what is it cannot buy they will take, and from thence the less necessary will quickly be derived to the former, and by degrees to all; and so grow higher, and involve the whole body of misery and distress, if it be not prevented. And, at this time, such tumults will be dangerous, because the Kingdom is full of disbanded soldiers and others, which will be ready to build and to nourish it, and hard to contest violence with more strength and advantage, and if they once get head, it will be much more difficult to reduce them to order again because necessity and want, which are the causes of this insurrection, will still increase as the effects do increase.—A fourth Danger is from the Rebels in Ireland, not only in respect of that kingdom, but in respect of this: they have seized upon the bulk of that kingdom already, they abound in men of very able bodies; they increase in arms and munition; they have great hopes of supplies from abroad, of encouragement here, and are sure of good entertainment from the Popish party; so that they begin to speak already there of transporting themselves hither, and making this kingdom the seat of the war.—The Distemper which hath produced these Dangers is various and exceeding violent. Whensoever nature is hindered in her proper operations and faculties, distempers will necessarily follow. The obstructions which have brought us into this distemper, are very many, so that we can-

not wonder at the strength and malignity of it. Some of the chiefest of these Obstructions I shall endeavour to remember. 1. The Obstruction of Reformation in matters of Religion: no grievances are sharper than those that press upon the tender consciences of men, and there was never church or state afflicted with more grievances of this kind, than we have been. And though they are, by the wisdom of this parliament, partly eased and diminished, yet many still remain, and as long as the Bishops, and the corrupt part of the clergy, continue in their power, there will be little hope of freedom, either from the sense of those which continue, or the fear of those which are removed. And of this obstruction, my lords, I must clear the commons; we are in no part guilty of it: some good bills have passed us, and others are in preparation, which might have been passed before this, if we had not found such ill success in the other. Whatsoever mischief this obstruction shall produce, we are free from it: we may have our part of the misery, we can have no part in the guilt or dishonour.—2. An Obstruction in trade. It is trade that brings food and nourishment to the kingdom. It is that which preserves and encreases the stock of the whole, and distributes a convenient portion of maintenance to every part of it, therefore such an obstruction as this must needs be dangerous, the freedom of trade being as necessary, the benefit so important, as that it gives life, strength and beauty to the whole body of the common-wealth. But I must protest the house of commons hath given no cause to this obstruction: we have eased trade of many burthens in former times, which are taken off, we have freed it from many hard restraints, by patents and monopolies, we have been willing to part with our own profits, to give encouragement: we have sought to put the merchants into a right and a due temper in respect of the former burthens, that so they might be invited to return with their wealth to the Mint, as hereto fore they have done: and if we are now come to the trouble, the fears, and public dangers which men withdraw their stocks, and keep them in safety by them, to be ready for such sudden exigencies, as in these great distractions may have too much cause to expect.—3. The Obstruction in the Relief of Ireland. It must needs be acknowledged a great shame and dishonour to this kingdom, that our neighbours have shewed themselves more forward to supply the rebels than we have been to relieve our distressed brethren and fellow-subjects. But I must declare we are altogether innocent of any neglect herein. As soon as the first news of the Rebellion came over, we undertook the war, not by way of supply and aid, as in former rebellions the subjects have used to do; but we undertook the whole charge of it, and we suffered not 24 hours to pass before we agreed to a great levy of money and men, to be employed against the rebels, even in a larger proportion than the lord justices and

council there did desire; and, from time to time, we have done all for the furtherance thereof, though in the midst of many distractions and diversions; but the want of commissions for levying of men, for arms, and divers other necessary adjuncts, have been the causes [illegible] only found impediments in our ways, but most encouragements to them. Many of the chief commanders, now at the head of the rebels after we had, with your lordships concurrence, stopped the ports against all fresh supplies, have been suffered to pass by his majesty's immediate warrant, much to the discouragement of the lord justices and the council there, and, this procured, as we believe, by some evil instruments too near his royal person, without his majesty's knowledge and intention.—4. The Obstruction in prosecution of delinquents. Many we have already brought up to your lordships, divers others we have been discouraged to transmit; such difficult proceedings have we met withall; such terrors and discountenance have been cast upon ourselves and our witnesses, and those who have shewed themselves their friends and patrons, have found it the most ready way to preferment; yea, his majesty's own hand hath been obtained, and his majesty's ships employed, for the transporting divers of those who have fled from the justice of parliament.—5. A general Obstruction and Interruption of the Proceedings of Parliament, by those manifold designs of violence which, through God's mercy, we have escaped; by the great and frequent breaches of privilege, by the subtle endeavours to raise parties in our house, and jealousies between the two houses.—6. The Obstruction in providing for the Defence of the Kingdom, that we might be enabled to resist a foreign enemy to suppress all civil insurrections and what a pressing necessity there is of this, the exceeding great decays in the navy, in the forts, in the power of ordering the militia of the kingdom, and means of furnishing them with munition, are sufficient evidences, known to none better than your lordships, and what endeavours we have used to remove them; but, hitherto, without that success and concurrence which we expected and where the stop hath been, and upon what good grounds we may clear ourselves in sincerity and faithfulness to this, we desire no other witnesses but yourselves.—Lastly, I come to the evil Influences which have caused this Distemper, and I shall content myself with mentioning those which are most important. 1. I shall remember the evil counsels about the king, whereof we have often complained. In cases of the brain are most dangerous, because from thence sense and motion are derived to the whole body. The malignity of evil counsels will quickly be infused into all parts of the state. None can doubt but we have exceedingly laboured under most dangerous and mischievous counsels. This evil influence hath been the cause of the preparation of war with Scotland; of the procuring a Rebellion in Ireland; of corrupting religion; suppressing the liberty of this kingdom; and of many fearful and horrid attempts to the subverting the very being of parliaments, which was the only hopeful means of opposing and preventing all the rest, and this doth appear to [illegible] wherein we need not wonder, when we consider how counsellors have been procured and prepared. And I appeal to your lordships own consciences, whether the living and countenancing of evil counsel hath not been, almost, the only way to favour and advancement. 2. The Discouragement of good Counsel. Divers honest and approved counsellors have been put from their places; others so discountenanced, as that the way of favour hath been shut against them, and that of danger and destruction only open to them. 3. The great Power that an interested and factious Party built in the Parliament, by the continuance of the votes of the Bishops and Popish lords in your lordships house; and the taking to of others both out of the house of commons, and otherwise, to encrease their strength. 4. The fomenting and cherishing of a malignant Party throughout the whole kingdom. 5. The manifold Jealousies between the King, his Parliament, and good Subjects; whereby his protection and favour hath, in a great measure, been withheld from them; their inclination and resolution to serve and assist him, hath been very much hindered and interrupted; we have often suffered under the misinterpretation of good actions, and false imputation of evil which we never intended; so that we may justly purge ourselves from all guilt of being authors of this jealousy and misunderstanding. We have been and are still ready to serve his majesty with our lives and fortunes, with as much chearfulness and earnestness of affection as ever any subjects were; and we doubt not but our proceedings will so manifest this, that we shall be as clear in the apprehension of the world, as we are in the testimony of our own consciences.—I am now come to a conclusion; and I have nothing to propound to your lordships by way of request or desire from the house of commons. I doubt not but your judgments will tell you what is to be done; your consciences, your honours, your oaths, will call upon you for the doing of it. The commons will be glad to have your concurrence and help in saving of the kingdom; but if they fail of it, it should not discourage them in doing their duty. And whether the kingdom be lost or saved, (but I hope through God's blessing, it will be saved) they shall be sorry that the story of this present parliament should tell posterity, That in so great a danger and extremity, the house of commons should be enforced to save the kingdom alone, and that the house of peers should have no part to the honour of the preservation of it; you having so great an interest in the good success of those endeavours, in respect of your great estates and high degrees of nobility."

The foregoing speech was so agreeable to [illegible]

the commons, that the same day they ordered, "That Mr. Speaker, in the name of the house, shall give thanks unto Mr. Pym for his so well performing the service he was employed in by the commands of this house at this conference. And it was further ordered, That Mr Pym be desired to put the Speech he made at this conference into writing, and to deliver it into the house, to the end that it may be printed." This is done accordingly, and from the edition so published by order of the house, the above is taken.

Exceptions to Words spoken by the Duke of Richmond.] Jan. 26. The lord keeper having reported the having an conference, a motion was made for joining with the commons in petitioning his majesty about putting the Forts and Militia at the kingdom into safer hands, &c. upon the new Reasons offered at the said conference. This occasioned a long debate, the house being in a committee, which being resumed, some Lords desired that it might be adjourned, to which the duke of Richmond answered, "Let us put the question, Whether we shall adjourn for six months" which words the house taking exception to, the duke explained himself, "I do not intend to speak these words positively, but only that the house might be adjourned as well for six months, as to a time not limited." But this not satisfying, the duke withdrew when, after some more debate, the question was put, Whether it shall be said upon satisfaction to the house, That the Lord duke of Richmond's declaration to his place, and making a submission, is a sufficient satisfaction to the house for the offence he has committed against the house in speaking those words in question, and for which he had no intention to offend the house, and for which he is very sorry, and desires the favour of this house to be reconciled to them, and to be restored to his place in this house? It was resolved in the affirmative.

Proceedings against Mr Pierrepont.] Upon the Petition of Mr Pierrepont, and the Words spoken by him, and reported by Mr Pym, and upon the Motion of the Lord Digby, and upon the Reasons and Arguments urged by the Lord Newport, and Lord Admiral Bedford, Essex, Hertford, Southampton, Lincoln, Leicester, Warwick, Bolingbroke, Stamford, Conway, Wharton, Paget, Hunsdon, Chandois, St John, Spencer, Kimbolton, Brooke, Grey de Werk, Roberts, Howard de Escrick, Willoughby de Parham,

The Queen's Answer concerning a Report that the Commons intended to accuse her of High Treason.] Jan. 27. The earl of Newport reported to the lords the Queen's Answer to the Message sent to her, concerning a report of a design to accuse her of High Treason, to this effect: "That there was a general report of an accusation intended against her, but she never saw any Articles in writing, and having no certain author either for the one or the other, she gave little credit thereto; and much less now, being assured from the house of commons, that never any such thing came into their thoughts, nor will she believe that any thing of any aspersion upon her, who hath ever been apt to misconstrue the actions of any one person, and much more the privileges of parliament, and shall, at all times, wish a happy understanding between the king and his people." Ordered to be communicated to the commons; but in their Journ is is this Addition to the former Message, "Upon better recollection of myself, I do confess and acknowledge to have been mistaken in reporting what was delivered me, in discourse with some member of the house of commons, and am most heartily sorry for it, beseeching, with all humility, the pardon of the honorable house of commons, for that my great mistake."

The Commons charge the Duke of Richmond with being a Malignant, and an evil Counsellor to the King.] Jan. 29. A message came up, that the commons, being ready by six before Westminster, desiring a conference touching the duke of Richmond. The lords did upon present meeting, which being reported from the Lord keeper reported the substance of it to the effect:

"That the Commons, House commanded by their authority, did impeach the duke of Richmond of high treason, and other crimes and misdemeanors, to be inquired of, and heard and determined in parliament, but he was not then to answer, &c. That the commons had appointed this message and conference, to desire their lordships, that the duke might be sequestered from parliament, and from coming near the king or queen, and that he might be committed to safe custody, and that they would in convenient time exhibit their particular charge against him."

Which last words Mr. Pierrepont construed to mean, that the king and queen would take notice of it as an acceptable service. This he would not say positively, but he believed it, &c. That by a report of a conference in their house, it did appear, that the duke of Richmond did on the 26th of January, answer that the question might be put for the adjournment of the house of lords for six months. Upon the which, the house of commons passed

* Lord Clarendon says, "The impatience for the adjournment was made by some of the Protesting Lords, who were not willing the matter of the Militia should then come into debate."

* James Stuart duke of Lennox in Scotland, a near relation to the king.

this vote, That they had sufficient cause to accuse the duke of Richmond as one of the Malignant Party, and an evil Counsellor to the King, for these reasons; 1. That he endeavoured to have such members chosen as he should nominate and his way of menacing afterwards shows an intention to overthrow the freedom of election, and making a party in parliament. 2. That he endeavoured to corrupt the members of the house of commons after they were elected, even in matters of the highest nature; for support of the delinquents that were in question for endeavouring to bring the army upon the parliament. 3. The motion made in the house, if effected, would certainly be the loss of Ireland, and hazard the ruin of this kingdom; there being distractions at home, and imminent danger in Ireland, and no way to help both but by parliament; which, if it had been adjourned, in consequence that necessary and good act, for the continuance of this parliament, would have been ineffectual. Upon all which the house of commons desire their lordships further to join with them to petition his majesty, That the duke may not have any access to the persons or courts of the king or queen, and that he may be removed from all offices and places of public trust. And that this may be done with all speed, in regard of the great places of trust and confidance he now holds"—Mr. Glynn concluded with telling their lordships, "That it was the care of the house of commons to prevent the evils that hung over our heads; and they can do no less, in regard to the duty they owe to the king, who has called them as his council; to their country that hath intrusted them; and, lastly, they do it to satisfy their own consciences. They say they saw the stone that hit them, but could not discover the man that threw it. They say they wash their hands of the ill consequences of these things, and lay it at their lordships door."

This report being ended, the duke of Richmond stood up, and made his humble desire, "That he might have a copy of the heads of this Information against him; and that he be allowed some short time to give in his Answer." The lords agreed this, and ordered the 31st instant, for that purpose.

The Duke's Speech in his own Defence.] Jan. 31. The duke of Richmond brought in his Answer to the Charge against him from the commons, which his grace, standing in his place, read in these words:

"My Lords, I take it this vote of the house of commons, which to me must prove very heavy, if it light upon me, is grounded on these three Reasons."—Then his grace repeated the substance of the three Articles brought by the commons against him; and proceeded thus—"Upon these three Reasons the house of commons have desired your lordships to join with them in petitioning his majesty. That I might not have any access to the persons or court of the king and queen, &c. This is the Charge. Though these requests, if put in execution, would much afflict me; yet the sense of the house of commons, and their ill opinion of me, (which I judge by their vote) is a greater cross than any that hath yet befallen me: but I have this comfort, that as the house of commons have passed this vote, and made these requests upon me without hearing my defence; so that, when your lordships shall hear my clear and ingenuous Answer, too, I hope, will be so far from joining with them in any such request to his majesty, that I shall presume to be an humble suitor to your lordships to clear my innocence to the house of commons, and to set me right in their good opinion; which I much desire, who, I doubt not, are so just as to acquit or condemn, according as the cause shall appear unto them.—And to your lordships I affirm, by all that may procure belief, that I did never imagine the prosperity and happiness of the king, kingdom, or parliament, my interest in all may be some persuasion to justify what I say; or did give the king, my master, my council whatever, but what, in my own heart, I conceived to tend to the advancement of his honour, and maintenance of the public good of the kingdom; the union of the king and his people each to the other, and a right understanding and correspondance between him and his parliament; and, from my heart, I cannot but declare against any, if there be any, of a contrary opinion.—So far am I from a thought of prejudice to the kingdom of Ireland, that I would rejoice as much to see the Protestants there settled in peace and their possessions, the Protestant religion there established, the rebels there suppressed, and that kingdom reduced to obedience, as any of his majesty's subjects, and be as ready to join to giving assistance to effect it; for I crave leave to let your lordships know, that I have, some months since, sent into Ireland, of my own, 30 barrels of powder, 120 muskets and pikes, 60 corslets and head-pieces, besides match and bullets, both for great ordnance and muskets, to Colmore castle, for the defence of that, Londonderry, and the country about it; and I left 200*l.* sterling in my agent's hands, for defraying the charge of transporting those things.—But to apply myself to the particular reasons of the Charge against me; it rests upon the truth of the fact, and your lordships judgment of it, either to acquit or condemn me, which I shall wholly submit to. I must crave your lordships pardon for giving any Answer at all to the third Reason, touching what passed from me in this house; as well in respect of the privilege of this house, where things of that nature, as I conceive, are to be questioned; as for that your lordships have already taken the same into your consideration, and I have undergone and performed your lordships censure thereon before this accusation. I know it will not seem just to your lordships, that I should be in a worse case than any other subject, to receive a double punishment for one and the same offence; and I know your lordships cannot but conceive it to be of more than ordinary consequence in the precedent.—For the other,

shall give your lordships a distinct Answer. I must beg your leave to deny some things which have been charged upon me; but shall ingenuously confess whatsoever I know to be a truth, touching these things, how prejudicial soever it may prove to me, and rely more upon my own innocence, than to defend myself by denying a truth, or defending what is not so. 'Magna est veritas et prævalebit.' I wish it may do so in what concerns me. 'Regnet Justitia et ruat Cœlum.' I conceive the Proof for the first Reason, inducing the house of commons to believe an intention in me to overthrow the freedom of election, and make a party in parliament, is upon the information of sir Harry Hyman, That I did write to the town of Hithe, to chuse one captain Wimberly, to serve for one of the barons there, in this present parliament, but he was not elected. The gentleman that gave the information I do not know, but it is true in this, and if it be an offence, I shall be so far my own accuser, that I have here brought a true copy of that letter which I sent to that port, with a witness, who is in court, to attest it. Other misdemeanour than by that letter is no, I never made to that town, but I was so far, but in the accusation, from thinking [illegible] that all men did confess to your lordships I wrote the like letter to other ports, both in the jurisdiction of the Cinque Ports, and without. That the words of the Cinque Ports and all ports are the like. But this being no more than a bare recommendation that there was all, and in some of those ports my own preferred, in some not. But I had never so much as a thought of ill against him who gave his vote against the party recommended; and had hazard by him, and I [illegible] that I [illegible] upon the instant [illegible] letter written by captain [illegible] of Dover [illegible] tion. I [illegible] that this I know to be true, and I [illegible] part, [illegible] letter to the port of Hithe [illegible] that I know to be true, and I [illegible] what am I to [illegible] knowledge. Yet my [illegible] one tittle of truth [illegible] captain Collins, and shall [illegible] the very letter itself, which I [illegible] since your last sitting and [illegible] your lordships the occasion, and I [illegible] good proof, I am certain my [illegible] far from a crime. It was this: I being [illegible] of the Cinque ports, and the writ of summons of parliament directed to me, I make warrant to the several ports, for election of the barons, which, when done, they return them to me, and I return them with the writ of summons. Now, I having made warrants, accordingly, to the ports, and elected and returned their barons elected, I was informed from the port of Sandwich, that some had given voices in their election who received alms from the town, with some other questions about elections in other places, particularly Rye, for which I was informed there was a petition in parliament; and because I might be able to give an account touching all these elections, if occasion were, I wrote to all the ports in general, to be certified how the elections went by the poll; that is, to know how many voices went for the one, and how many for another; but for their names, I wrote not, though I had ground enough given me by the complaint of Sandwich; and, if captain Collins, upon this letter of mine, have been too exact, I hope that shall not turn to my prejudice or his, since there was no ill intent, nor hath been any ill consequence from it for this I affirm, confidently, to your lordships, That not one elector, in any of the ports, whomever menaced or ill used by me, or my direction. I cannot be disproved in this, and your lordships will hardly believe I wrote to captain Collins out of any intention of revenge; when, by the same letter, I desired to be certified of the poll in all the ports, as well where the party recommended by me was elected, as where he was not.—This is the whole truth, and my Answer touching that business, and if it be an offence to write a letter to recommend a gentleman for election, I hope, it will not deserve so severe a punishment. Since I am bold to say, I could not have done it in ill, or believe it to be generally done by others, who, I hope, will never come in danger of punishment for [illegible] letter. I go to the second Head I desire your lordships to hear the letter, [illegible] the crimes upon the occasion of [illegible] I intended to the Mayor and [illegible] was evil, with their Answer to [illegible] which run much the same as [illegible] Dover, as did, also, the [illegible] ports Colin, [illegible] bon to the [illegible] Head of the Cinque Ports [illegible]—The second and only [illegible] is, The endeavours [illegible] of the members of the house of [illegible] elected for support [illegible] office with charged, [illegible] lordships will not find me [illegible] instructed proof only upon [illegible] delivered to one Mr [illegible] member of the house of commons, by his servant, who is my cousin, Adrian Scrope, at some speeches and gestures of mine to Mr Pe[illegible] time after that mes[illegible] I [illegible] ships will not take this [illegible] upon faith, that it is true, because it is [illegible] against me. But I must crave your noble justice, as a free subject as well as a peer, to be judged secundum probata as well [illegible] nia, and notwithstanding this misre[illegible]ort which is fallen upon me, I hope you believe I will not tell you an untruth. I confess I sent my steward to Mr Perd, and he being one who has long been with me, and ever car-

[illegible] [illegible] [illegible]

ned himself honestly and like a gentleman, gives me confidence that he delivered no such message to Mr. Perd from me, as is charged I protest to your lordships, upon my honour, that the message I sent was no more than to this effect, "That if, in the business of Mr Percy it fell in his way to do him any pleasure, that I should take it as a courtesy, and express it to him upon any the occasion." This was without any other intimation or particular request whatsoever, and I am confident my servant delivered it to him no otherwise, for he brought me a civil answer of his readiness to do any thing he might, with a good conscience, which was as much as I desired. And I was so far from taking offence, then, when I spoke to Mr. Perd, it was only to avow my servant, and to give him thanks; and no such thing happened as has been informed by him.—Now, my lords, Mr Percy being my old acquaintance at school, in our travels, and here at home, having lived friends together, I thought I could be no less than to ask just favours for him in his distress. There was no unlawful thing desired, no bribes offered; if this be an offence, as I hope it is not, I am confident it will not be so heinous as to draw so heavy a censure upon me.—And because, my lords, I would be quit of this great burthen, I have caused Scroop to attend without; and desire your lordships in examine him, upon his oath, touching the truth of the message, and what passed between Mr Perd and him; for I am guilty of no treble more than what I have confessed to you. I know not what passed in the house of commons, or that Mr Perd had ever spoken in that business; or if Scroop had desired him not to press that business, or persuaded him not to call upon it, or intimated any thing of the king or the queen, which I believe he did not, it was without any direction from me, and let him answer for it. But I rather believe there was no ill in the message, because Mr. Perd did not then, nor at any time since, till this question in the house of commons, call upon him or me concerning it. My lords, I am no lawyer or orator, but I am a gentleman, and, in that consideration, so much concerned in what is moved against me, as though life or a total confiscation may not be desired, yet, upon the consequence of it, so much of honour and reputation depends, that I esteem it equal to any of those censures. But I have so much innocence in me, as makes me confident that I cannot miscarry by your lordships judgment; and therefore have adventured to make my own defence, who best know the truth of my own heart; and so I submit myself and cause, which concerns you all, to your lordships judgment. Richmond."

The duke having ended, he desired that Thomas Webb, his secretary, might, upon oath, relate the occasion of writing the Letters to the Port Towns; which was one complaint against his grace. Then the lords sent a message to the commons, "That, in regard of their offer made at the last conference, they desire that sir Henry Havman and Mr. Perd may come to this house, and upon oath, testify what they know in the business concerning the duke of Richmond."

The King's Message relative to the Bill for Tonnage, &c.] The same day the new grant of a Subsidy on Tonnage and Poundage, &c. was read a second and third time in the house of lords, and passed into a law. After this the lord keeper informed the house, That he had received a Letter from the King, with a Message inclosed to both houses, which were read in these words:

"Charles R. Right trusty and well-beloved, we greet you well; Our will and pleasure is, that you deliver the Message enclosed, to be read in your house of peers before the passing the bill for Tonnage and Poundage, for which this shall be your warrant.—Given at our Court at Windsor the last day of January, 1641."

"Though his majesty, having passed more acts of justice and grace in this parliament than ever have been passed by any of his royal ancestors, might well expect, from the affection and gratitude of his parliament, to have received the Subsidy of Tonnage and Poundage for as long a time than it hath been granted to any of his predecessors, yet, in regard that, by a clause in this bill, he finds that his parliament intends not to continue the old Book of Rates, and that the setting a new one must require some time, and in respect that otherwise it might beget an interruption of trade, give an advantage to foreign states, and leave the seas unguarded, to the danger of this kingdom and ireland; he finds, at this time, given a commission for the passing of this present bill, the 15th of March next, doubting but, as soon as their extraordinary affairs will permit, that they will settle a new Book of Rates; and, by granting this Subsidy in the usual manner, will give a proof of their good intentions, as they have often expressed, and of which he is fully satisfied, to consume no less both his safeguard and splendor, than their own liberties and interests."

Further Proceedings against the D. of Richmond.] Feb. 1. The house of lords proceeded in the business of the duke of Richmond, when Mr Perd gave his evidence, upon oath, nearly in the same manner as is before related. The duke, having heard this evidence, denied that he gave his steward, Mr. Scroop, any such directions as Mr. Perd alledged, and then withdrew. The house went into a debate, Whether Mr. Scroop ought to be examined, upon oath, to know what directions the duke gave him; because, thereby, he might accuse himself. The Judges Opinions being asked on the question, they were all in a mind, That, in the ordinary courts of justice, Mr. Scroop might by law, be examined on oath.—Hereupon Mr. Scroop was sworn and examined, who said, "That the duke directed him to go to Mr Perd, and to desire him, that, in the business of Mr. Percy, he would, if it fell fairly in his way,

rather incline to do good offices, than press in rigour; and that thereby he might engage my lord duke to render him thanks, and return him such favours as fell in his way, and that he had no directions to speak of any favours intended from the king or queen."

This being done, the lords considering of the evidence on both sides, the affair of the Cinque Ports being dropped, the question was put, Whether that house should join with the commons in the Petition against the duke? It passed in the negative.

This day the house of commons sent up a draught of a Petition to the King, concerning the lord Kimbolton and the 5 Members; in which was recited all that was passed in that business, and that they understood by his majesty his intention to give three months full enquiry to be made into it, in two days time; which proofs there were against them, that they might be brought to a legal trial, it being the undoubted right and privilege of parliament, that no member can be prosecuted against but by their consent. In which Petition they desired the lords-ships concurrence, which it is granted.

The King's Answer to the Commons Petition concerning the Tower, &c. This day, when the commons sent up a Message to desire the lords to join with them in another Petition to the King, That the Lords and Members of the Kingdom might be put in such a way of appeal out of his hands in case of treason, to desire that house to join with them, and to tell them that if the house should not concur, they should go on without them: the last step, that the house should join in case of opinion with them, they declared themselves that they could not agree to it, but to protect the members of that house from mischief as before; and to tell them that they must not expect that the lords should come to them again with the same Petition to concur with them in the Petition to the King, which they had once refused to join in, in a Petition of the same nature to them concerning that matter, which was to these words.

"His majesty having received the Petition presented to him by the lords and commons at Whitehall the 19th of this month, touching the Tower of London, in good hope by the great Seal of England which this month, to his house would have produced some such answer, which by entering what is fit on their parts to do in such a case, what is proper for his majesty to grant, might beget a mutual confidence which is lost concerning the Tower of London, his majesty did not expect that (having preferred a person of a known fidelity and unquestionable reputation to that trust) he should be pressed to remove him, without any particular charge alleged against him, and therefore returns this Answer, That if, upon due examination, any particular shall be presented to his majesty, wherby it may appear that his majesty was mistaken in his opinion of this gentleman, and that he is unfit for the trust committed to him, his majesty will make no scruple of discharging him, but, otherwise, his majesty is obliged, in justice to himself, to preserve his own work, lest his favour and good opinion may prove a disadvantage and misfortune to his servants, without any other accusation, of which his majesty doubts not his house of commons will esteem, as of a business which to his majesty's honour is so much concerned, that, if they find not a material exception against this person, they will rather endeavour to satisfy and reform the fears of other men, than, by complying with them, press his majesty to any resolution which may seem much to reflect upon his honour and prudence. For the forts and Castles of the kingdom, his majesty is resolved that they shall always be in such hands and only such as the parliament may safely confide in, but he no intention of any persons to those places being so principal and inseparable a flower of his crown, vested in him, and derived unto him from his ancestors, by the fundamental laws of the kingdom he will reserve to himself, in honour, whereof, as his majesty will take care that no corrupt or sinister courses shall prevail with him, so he is willing to declare, That he shall not be induced to express that trust in such persons as those whose principles and practices in matters of religion and government are contrary to his own, and he now hath, or shall at any time, by reasonable motion, confer such a trust upon no undeserving person, he is, and always will be ready to leave him to the wisdom and justice of his parliament. For the militia of the kingdom which, by the law, is the undoubted right and flower of the crown, and of authority to raise forces for the ordering the same which his majesty holds very necessary for his own and safety. This kingdom hath been ordered and disposed by his parliament, and upon their desire his majesty will return to London as soon as shall be sure ride to his honour and the safety of his people: his majesty, resolved only to deny those things, the granting whereof would alter the fundamental laws and injure the very foundation upon which the public liberties and welfare of his people is founded and constituted, and nourish a great and more destructive jealousy between the crown and the subject, than any of those which would seem to be taken away by such a concession. And his majesty doth not doubt, that his having united more than ever king hath granted, will ever persuade his house of commons to ask more than ever subjects have asked, and if they shall enquire in any thing with the particular grounds of their doubts and fears, he will very willingly apply remedies proportionable to those fears, for his majesty calls God to witness, that the preservation of the public peace, the law, and the liberty of the subject is, and shall always be, as much his majesty's care and industry, as of his own life, or the life of his dearest children: and therefore his majesty doth conjure his house of commons, by all the

acts of justice and favour they have received from him this parliament, by their hopes of future happiness in his majesty, and in one another, by their love of religion and the peace of this kingdom, in which that of Ireland cannot be forgotten, that they will not be transported, by jealousies and apprehensions of possible dangers, to put themselves or his majesty into real and present inconveniences; but that they will speedily pursue the way proposed by his majesty's former Message, which, in human reason, is the only way to compose the distractions of the kingdom, and, with God's blessing, will restore a great measure of felicity to king and people."

Both Houses declare the Advisers of the said Answer to be Enemies to the Kingdom, and petition the King again.] This Answer being read, the lords took it into consideration, and then resolved, first to join with the commons in voting, That whosoever advised the king to give this Answer, is of the malignant party, and an enemy to the public peace and safety of the kingdom. Likewise to join with them in the Petition, as desired; and these votes being communicated to the other house, they returned for Answer, That they received them with a great deal of joy, and that they hope it would be for the good of the king and of the whole kingdom.

Feb 2 A draught of the above-mentioned Petition was read in the house of lords, agreed to, and presented to the king this day by 2 lords and 4 commoners, and was in hac verba

"To the King's Most Excellent Majesty The Humble PETITION of the Lords and Commons assembled in Parliament

"Most Gracious Soveraign, The present evils and calamities wherewith your kingdoms are most miserably intangled, the imminent dangers which threaten your royal person and all your people, have caused us (your most faithful and obedient subjects, the lords and commons in this present parliament, with thankfulness to entertain, and with all earnestness of affection and endeavour to pursue, the gracious proposition and direction which, not long since, we have received from your majesty, and we have thereupon taken into our most serious consideration the ways and means of securing the safety of your royal person; preserving the honour and authority of your crown; removing all jealousies betwixt your majesty and your people; suppressing the rebellion in Ireland; preventing the fears and dangers in this kingdom; and the mischievous designs of those who are enemies to the peace of it. And that we may, with more comfort and security, accomplish our duties herein, we most humbly beseech your majesty, That you will be pleased forthwith to put the Tower of London, and all other Forts, and the whole Militia of the kingdom, into the hands of such persons as shall be recommended unto your majesty by both houses of parliament; which, they assure themselves, will be a hopeful entrance into those courses, which, through God's blessing, shall be effectual for the removing all diffidence and misapprehension betwixt your majesty and your people, and for establishing and enlarging the honour, greatness, and power of your majesty and royal posterity, and for the restoring and continuing the peace and happiness of your loyal subjects in all your dominions. And to this our most necessary Petition, we, in all humility, expect your majesty's speedy and gracious Answer, the great distractions and distempers of the kingdom not admitting any delay."

Sir E. Dering expelled, &c. for printing his Speeches.] This day the house of commons fell into a debate and consideration of a Book composed and printed by sir Edward Dering; and observed unto him divers passages out of it, which were laid to his charge: and after he made his several and respective Answers unto these Charges, he was commanded to withdraw: then it was resolved, 1. "That a book of Sir Edward Dering's, intituled, 'A Collection of Speeches made by sir Edward Dering, knight and baronet, in Matter of Religion,' is against the honour and privilege of this house, and scandalous to this house; and shall be burned, by the hands of the common hangman, in Westminster, Cheapside, and Smithfield. 2. That the said sir E. Dering shall be disabled to sit as a member of this house, during this parliament, and that a new writ shall issue for electing a knight to serve for the county of Kent, in the room and place of sir E. Dering, thus disabled, and that he be sent to the Tower, there to remain during the pleasure of the house."—Sir Edward being called in, and kneeling at the bar, Mr. Speaker pronounced this sentence, against his book and him, accordingly.

The Trial of the 12 Bishops was, once more, put off to the 8th instant, after which both houses adjourned to the 4th, and ordered in the mean time, that committees should sit on Irish Affairs at Merchant Taylors' Hall.

Petition to the Commons from the Tinder-men's Wives, &c. for Redress of Grievances.] February 4. A very singular Petition was this day presented to the commons from several gentlewomen, and tradesmen's wives, in the city. On the last day of sitting these female zealots had been observed to crowd much about the door of the commons,† and serjeant-major Skippon, the commander of the guard, had applied to the house, to know what to do with them; they telling him, 'That while there was one now there would be 500

[a] Upon this last question the house divided: Yeas 85, Noes 61. But he was discharged a few days after.—Commons Journals.

† Butler alludes, most probably, to this circumstance, in the following couplet:

'The Oyster-women lack'd their fish up,
'And trudg'd away to cry 'No Bishop.'
Hudibras, Part I. Canto 1.

next day, and that it
die here, as at home
to speech him[self], in
but this day they
they came down
[de]livered a Petition to the
received and read
in their Journals
Collections, we find
with the Answer
these times *

"To the Honourable
Burgesses of the House
semblied in Parliament
TETRIX of the GENTLE
MENS' WIVES, and
FEMALE SEX, all
City of London, and the
of, With the lowest
ing;

"That we, with all thankful
knowledging the unwearied
great charge, besides hazard
which you the noble worthies of
and renowned assembly, have
the safety both of church and
for a long time already past
only we, your humble petitioners,
affected in this kingdom, but al
christians are bound now, and
acknowledge, yet notwithstanding
worthy deeds have been
danger and fear do still attend
lous as Popish Lords and
are suffered to
peers that
the mass suffered
Lords in the
desire (unsatisfied
is many
why some
mean
your
the
our
The
seeth
time
in the
the thoughts
sents
us for
semble
and us, before it be too late
we, whose hearts have
all those Petitions which have
unto you, in the behalf of the
and the liberty of our husbands
estates; recounting ourselves
terest in the common privileges
with the same confidence, assure

* Printed by John Wright, at the King's Head
in the Old Bailey

…ad s…
O … Help … th…
…ting in parliament … th…
…you, that you'll be …
…and the house of …
…to take our hu…
…timely consideration …
…encouragement to your …
…further, that you would …
…our humble requests …
…ly pleased, according …
…good king Asa, to …
…kingdom of that …
…Muse, which is rich …
…this sin, as we conceive …
…greater curse upon the …
…your noble and …
…the good and …
…Idolatry in the …
…it shall please …
…to follow, in putting …
…both in great and small …
…kingdom throughout …
…their abettors, and in …
…of the prelates; (which …
…and woful experience, …
…against the liberty of …
…dom of the gospel and …
…and practice thereof …
…removed and we …
…pour down his blessings …
…upon his majesty and …
…assembly, and upon the …
…your new Petitioners …
…ly, &c."

The Reasons of the …

"It may be thought …
…ing our sex, to show …
…tion to this honourable assembly …
…ter being rightly considered …
…interest we have in the …
…cause of the church, it will, …
…correction, be found a duty …
…required. 1. Because Christ …
…us at as dear a rate as he …
…therefore requireth the like …
…same mercy, as it …
…free enjoying of Christ in his …
…flourishing estate of the church …
…wealth, consisteth the happiness …
…well as men. 3. Because women …
…in the common calamities, that …
…both church and common-wealth …
…pression is exercised over the …
…dom wherein they live; and unto …
…given to the Prelates, to exercise …
…the consciences of women as well as men; witness Newgate, Smithfield, and other places of persecution, wherein women as well as men have felt the smart of their fury. Neither are we left without example in Scripture: for when the state of the church, in the time of king Ahasuerus, was, by the bloody enemies thereof, sought to be utterly destroyed, we find that Hester the queen and her maids fasted and prayed; and that Hester petitioned to the king, in the behalf of the Church; and though she enterprized this duty with the hazard of her …e, being contrary to the law to appear …the king before she were sent for; yet … the church erred her through all … to the performance of that duty. …grounds we are emboldened to pre… humble Petition unto this honourable … assembling the reproaches which … hath cast upon us, who do, … the promises, scoff and de… Hanan. We do it not out of any … pride of heart, as seeking to … with men, either in authority … coming to our places, to … duty we owe to God, and the … church, as he is lyeth in us; … the example of those godly … have gone, in this duty, before …

Answer hitherto in the Name of …

The counsel of this Petition tells … was presented by Mrs. Anne … woman, and brewer's wife, and … with her like rank and quality; … some time spent in reading of … them no answer by Mr. Pym, … ished in this manner.

… to the commons door, and … Woman, and spake unto them … ords — 'Good Women; Your Peti… the Reasons, both been read in the … is thankfully accepted of, and is … seasonable time. You shall, God … ce from us all the satisfaction … possibly give to your just and … We intreat you, therefore, to … houses, and turn your Petition, … delivered here, into prayers at … for we have hope, we, and shall … power, ready to relieve you, … and children, and to perform … in Scripture, towards God, our … is he much more will Christ…

… a Petition from the … printers and Seamen and … Tobacconists and Mumpsi… … the very porters of … Then, were presented to … , who received them all …

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[1] "It is high in memory," says the author … tract, entitled, 'Lex Talionis,' "how this … did forth its spurious seed in multitudes … vulgar Bishops, root and branch; who, … like shoals of herrings, or swarms of hornets, … hovering about the court with lying pamphlets and scandalous pasquils, until they forced the king from his throne, and banished the queen from his bed, and afterwards out of the kingdom." "Good Lord!" says the 'True Informer,' Oxford, 1643, p. 12, "what a deal of dirt was thrown in the Bishops' faces! what infamous ballads were sung! what a thick cloud of epidemical hatred hung suddenly over them! so far, that a dog with a black and white face was called a *Bishop!*"—See Grey's Hudibras, London, 1799. Vol. I. p. 149.

The Lords pass the Bill for taking away the Bishops Votes.] Feb. 5. A bill, which had last year in the house of lords, 'For taking away the Bishops Votes in Parliament,' was read a third time; when, after a long debate, the question being put, Whether it should pass into a law? it was resolved in the affirmative; the Bishops of Winchester, Rochester, and Winchcomb only dissenting.

Feb. 7. The passing this bill being communicated to the commons, it was ordered to be upon the next day in a committee of the whole house, Sir Robert Harley, importing, "That the commons did much rejoice in that clear concurrence and correspondency between both houses, and that they desired their lordships would send some lords to the king, humbly to request, That the same bill, which is to remain this day in the house of lords, is one of the chiefest means of giving satisfaction to men's minds, and of preventing and conducing towards settling the distractions of the kingdom; which desire is the rather to be used, as soon as possible, because the bill is now in a forwardness and in a good way of proceeding, and that it is of constant belief among the people, that the same is the principal proposal, and that it is not the duty of the house to intend the law for that purpose."

The King's answer to the Petition touching the Forts and Militia.] The day the lord keeper produced a letter from the king, in which he excused his majesty's not returning to the house the Petitions from parliament, which the lords had ordered to be burned, and was as follows:

"His majesty having received the petition of the two several Petitions presented to the lords and commons this present day, and having duly considered and weighed the same, and finding the matter of them to apply himself, not only to give satisfaction to but even to remove all doubts and fears for the future, to that purpose he hath consented to the bill and Militia of the kingdom for three years, and to the bill for the Militia of the Tower, for that time, and to the bill for the Militia of Ireland for one year, and to the bill for the power of the Militia of the Tower, and to the bill for the power of the Militia of Ireland, for that time, and to the bill for the power of the Militia of Ireland for one year, without the clause of power to dispose of the Militia without the consent of parliament, which he will declare, that for the future he will not employ any of the forces of any his kingdoms against the parliament of any of his kingdoms, but will be content to put all the forces of the Forts and Militia in the several counties into such persons as both the houses of parliament shall name for either employment, or recommend unto him, so that you declare before unto him the names of the persons whom you approve or recommend, unless such persons shall be excepted against whom he shall have just and unquestionable exceptions."

The King's Answer concerning the accused Members.] To the other Petition, concerning the accused Members of either house, his majesty returns this Answer:

"That as he once conceived that he had ground enough to accuse them, so now his majesty finds as good cause wholly to desert any further prosecution of them; and, for a further testimony of his majesty's real intention in the words all his loving subjects, some of whose hopes may be involved in some unknown or unwilling errors, for the better composing and settling of fears and jealousies, of what kind soever, his majesty is ready to grant as free and general a pardon, for the full contentment of all his loving subjects as shall, by the approbation of both houses of parliament, be thought meet and convenient for that purpose."

His majesty added, "That being very much pressed by the States Ambassador, to send the princess his daughter immediately into Holland, and being likewise earnestly desired by his royal consort, the queen, to give her majesty that grace upon her daughter's marriage, which he thought fit to consent to both desires; and to move the house of commons' consent, and to desire their resolutions, known to his parliament."

Feb. 7. p.m. The commons desired a conference with the lords, about the aforesaid Answers; the report of which was, "That they present to their lordships an Ordinance of parliament, and among the Militia, with some few doubts as to their power, about the continuance of power to be put to it; which was read to the end: it was altered by the unanimous voices of both houses and that the power of the ordaining or altering such forts as are to be trusted with the Militia, be in the two houses as in the former."

Debate in the Commons touching the Militia.] There had been many debates in the house of commons about the Militia, in which two questions principally arose: 1. That it belonged to the king, and not to the parliament, to meddle with the Militia, or to put it in execution, that the parliament had only a power to advise; but that the king was to command the same according to the advice of his parliament when they, by the ordinary course of law, found it necessary. In one of these debates

Mr. H[olles] spoke as follows:* "Mr. [illegible] that which I did not say in former debates in other matters in this house, that such an [illegible] is not concerned in [illegible] and those walls [illegible] in which [illegible] in matter of your [illegible] but results of the greatest consequence [illegible] to the whole kingdom, [illegible] interests and safety of posterity, unless this power of the Militia shall be placed [illegible] this great power, which [illegible] commands all men and [illegible], cannot be too warily looked to, nor too well considered, and I do heartily wish that [illegible] word, the Militia, might never have come within these walls; but that this house may be, as the Temple of Janus, ever shut against it. I like the meaning of those gentlemen [illegible]

* Memorials, p. 55.

[illegible]

word to be, the power of the sword, potestas gladii, which is a great and necessary power, and properly belonging to the magistrate, potestas gladii in tumultuosos, without which our peace and property cannot be maintained. But potestas gladii in manibus inimicorum, in the hands of soldiers, is that whereof you now debate; and it is best out of their hands; I hope it will never come there. Some worthy gentlemen have declared their opinions, that this power of the Militia is, by right and law, in the king only: others affirm it to be in the parliament only. I crave leave to differ from both these opinions. I humbly apprehend that this power of the Militia, is neither in the king only, nor in the parliament only; and it the law hath placed it any where, it is both in the king and parliament, when they join together. And it is a wise institution of our law, not to settle this power any where; but rather to leave it in dubio, or in nubibus, that the people might be kept in ignorance thereof, as a thing not fit to be known, nor to be pried into. It is the great arcanum imperii, and the less it is meddled with, the less acquaintance we have with it, the better it will be for all sorts of persons, both for king and people.—That this power of the Militia is not in the king only, appears in this, that the power of money is not in the king, but it will be granted here, that the power of money is solely in this house; and without the power of money to pay the soldiers, the power of the Militia will be of little force. But if the power of the Militia should be in the king, yet the power of money being in the parliament, they must both agree, or else keep the sword in the scabbard, which is the best place for it. It is true that the king, by his tenures, may require the service, in war, of those that hold of him; but if they stay above 40 days with him, unless he give them pay, they will stay no longer. And it is also true, that our law looks upon the king, as the Jewish law did upon theirs, that, by his kingly office, 'he is to go in and out before the people,' and to lead them in battle against their enemies, but, by the laws of the Jews, their king could not undertake a war abroad without the consent of the great Sanhedrin. And, by our law, as is declared by the statute 1 Edw. 3. and by divers subsequent statutes, the king can compel no man to go out of his country, but upon the sudden coming of strange enemies into the realm; and how many of our parliament rolls do record that the king advised with his parliament about his foreign wars, and could not undertake them without the advice and supplies of the parliament? All the power of the Militia is exercised either in offence or defence; defence is either against the invasion of enemies from abroad, or against insurrections at home. Against insurrections at home, the sheriff of every county hath the power of the Militia in him, and if he be negligent to suppress them with the Posse Comitatus, he is liseable for it. Against invasions from abroad, every man willing forward to give his assistance, there will be little need to press forces, when every man will be ready to defend himself, and to fight pro aris & focis. As to offensive war against a foreign enemy, if the king will make it of himself, he must of his own pay his army; which his own revenue will hardly afford, nor can he compel any of his subjects to serve him in those wars, unless by law, be pressed to serve in that war by act of parliament. But not to waste longer of your time, sir, I shall conclude, that, in my humble opinion, the power of the Militia is neither in the king alone, nor in the parliament but in any where, in the eye of the law, it is in the king and parliament both consenting together. And I think it best that it should be there still. I cannot join in that advice to you, to settle the Militia of ourselves without the king; but rather with those worthy gentlemen who have moved, that we, yet again, should petition his majesty that the Militia may be settled in such hands as both he and you shall agree upon whom you may trust; and who, I hope, will be more careful to keep the sword sheathed than to draw it.'

The king delays his Assent to the Bill against the Bishops Votes.] Feb. 8. This day the lords agreed to the Resolutions of the commons about the Militia. The earl of Monmouth reported what the king said concerning the message of both houses, to him, for passing the bill to take away the Bishops Votes, "That it was a matter of weight, which his majesty would take into consideration, and send an Answer in convenient time."

The Commons' Reasons for hastening it.] In the afternoon, the commons desired another conference with the lords, which was reported back to that house, That the commons say, they could not receive the king's Answer about the Bishops bill, but with great sorrow, little hope arising that it would pass. They say, they hold a delay to be as bad as a denial, and seeing the passing of this bill is a matter of that great importance, the vote of the whole kingdom being for it, as may appear by daily petitions from several parts, the commons desire the lords to join with them to lay the three following Reasons for it before the king. "1. The great and general sufferings of the kingdom, by the clergy's exercising of secular jurisdictions, and the Bishops making a party in the house of lords, as has been of late expressed from several parts; it is the opinion of parliament that there cannot be satisfaction given, either to the people's just desires, or the heavy grievances they suffer under, without the speedy passing of this bill. 2. The great content which the bill's passing in both houses, hath given to all sorts of people; the delay whereof by his majesty will exceedingly lessen that satisfaction, and turn it into great discouragement. 3. The speedy passing of this bill, of such importance, would be, to the lords and commons, a comfortable pledge of his majesty's gracious intentions to concur with them in their subsequent desires, which

they are preparing to present to his majesty, the cures of those great evils and miseries the kingdom now groans under."

The lords joined with the commons in presenting these Reasons to the king, and chose two of their body to go with a like number of the commons for that purpose. The bill for Pressing of Soldiers passed the house of lords this day, and the giving the royal assent to it, was made a part of the aforesaid message.

Mr. Pleydell's Speech concerning Religion.] During the debates of this day,

Mr. *Pleydell*, member for Wootton Basset, spoke as follows:* 'Mr. Speaker, I have heard, since I had the honour to sit here, many grievances presented, and truly, sir, my heart bleeds within me when I think of them, especially those that concern Religion. But what should I speak of Grievances concerning Religion, when religion itself is become a Grievance; nay, the very nurse and mother of all grievances, all scandals, all reproaches? "Tantum Religio potuit suadere malorum!" Sir, not to trouble you with any long discourse, if I have any sight, that bark, both of church and state, hath a long time floated betwixt Scylla and Charibdis, Popery on the one side, and I know not what to call it on the other, in many respects both alike dangerous rocks: the Latin proverb may alter the case: "God defend me from my reputed friends, and I will defend myself from my professed enemies." Sir, we are intrusted by God, the king, and the country, with the managing of this bark, it might with the fortunes of three great kingdoms. Now, should we so decline the former rock, that we dash on the other side, I humbly conceive this hon. assembly, whether she might not have just cause to say, she had changed her [illegible] rather than her condition, and only sought places to hide her head in, or that we were not good truth in our thoughts, or could we steer a right course we must be sure to keep the channel, lest we fall from one extreme to another, from the dotage of superstition into the frenzy of profaneness, from the one to worship the calves of Bethaven and Jeroboam—Sir, I beseech you consider, what libellous pamphlets are now printed, what seditious are preached, not building but undermining and utterly subverting the foundations of the church; what irreverence in churches, what profanation of God's service, to the scandal of Christendom, the reproach of religion, and the unutterable grief of all good men; of which I may take up the words of Petrus de Alianco to the council of Constance, 'Nisi celeriter fiat reformatio, audeo dicere, quod licet magna sint quæ videmus tamen in brevi incomparabilia majora videbimus, & post nisi tam horrenda majora alia audiemus.' Sir, I take God to record I am no man's advocate, no man's enemy, but a truthful lover of truth and peace, and a dutiful son of our distressed mother the church of England, in which [illegible] and our own, my motion shall [illegible] That the Minister's Petition [illegible] their Remonstrance as [illegible] may be committed; and the rest [illegible] concerning matter of doctrine, may be referred to some learned and approved divines, as have spent their time in that noble study. For give me leave to tell you, there is no vulgus among the clergy, as among the laity, "vetus et informe pecus ad medicum;" and for those small ill things which strike at the root and branch, as we please to call it, I shall humbly move that we neither consider how to satisfy the petitioners with some timely Declaration from both houses, of the lawfulness and conveniency of episcopal government, derived from the Apostles, and so long established in this kingdom, rather than venture upon any alteration, the consequence whereof the wisest man cannot foresee; and, in truth, sir, should we once begin, for my own part, I know not how, or where we should stay. Nevertheless, if any one doubt the superiority of Bishops over priests and deacons in ecclesiastical government, or any Unation, I shall be ready, whensoever the house shall command me, to make it good out of Ignatius's genuine testimonies, as we make it appear the difference betwixt canonical and apocryphal scripture, the necessity of many things happening in that the apostles never left the affairs of their own creed; but, sir, I hope you will excuse yourself and me that I have said rather these few words some way to build upon the church's grounds, which God knows are too wide breaches, than silently pass by and lazily [illegible] to the [illegible] Religion, [illegible] the piety of the [illegible] and [illegible] his majesty [illegible] expressed himself [illegible] could not only [illegible] but [illegible] prince [illegible] advance the Protestant [illegible] by the sea [illegible] favour of the [illegible] God to [illegible] Non potui abstinere quin [illegible]'

Lord Kimbolton's Passage to Mr. Pym.] Some time after Mr Speaker [illegible] his majesty, and in a little [illegible]

"The [illegible] of a Speech, pretended to be [illegible], have been delivered by Mr Pym [illegible], and printed by order of the house of commons, in which it was affirmed, That [illegible] upon the Ports, against which [illegible] by both houses, many of the [illegible] now in the head of the rebels, have been suffered to pass, by his majesty's immediate warrant; and being very certain of having used extreme caution, in the granting of passports into Ireland, so that he conceive either this paper not to have been so delivered and printed as it pretends, or this house to have received some misinformation: his majesty would be resolved, whether this Speech were so delivered and printed; and, if

* From a collection of old Tracts by Edward Brewin, esq. of Sussex.

[illegible]

it were, would have this house to review, upon what informations that particular was grounded, that either that may be found, upon examination, to have been false, and both this house and his majesty injured by it; or that his majesty may know, by what means, and by whose help, his subjects have been so highly abused as to be made to continue in the assistance of that rebellion, which he so much detests and abhors, and that he may see himself fully vindicated from all reflections of the least suspicion of that kind."

Hereupon a committee was appointed to consider of the king's Message, also of the Informations given to the house touching this business, and what is fit to be done thereupon.

Ordinance concerning the Militia.] Feb. 9. The commons sent to the lords an Ordinance concerning the Militia, which had passed their house with amendments. But some objection arising, Whether the words, 'shall answer their contempt to the lords and commons,' did not give a part of judicature to the lower house, it was thought fit to add to 'the lords and commons,' *in a parliamentary way* which was agreed to. Then the whole was read in these words.

"Whereas there has been, of late, a most dangerous and desperate design upon the house of commons, which we have just cause to believe to be an effect of the bloody counsels of Papists, and other ill-affected persons, who have already raised a rebellion in the kingdom of Ireland: and by reason of many discoveries, we cannot but fear they will proceed, not only to stir up the like rebellion and insurrections in this kingdom of England, but also to back them with forces from abroad: for the safety, therefore, of his majesty's person, the parliament, and kingdom, in this time of imminent danger. It is Ordained by the king, lords and commons now in parliament assembled, that shall have power to assemble and call to their aid and singular his majesty's subjects within the county of , as well within Liberties as without, that are meet and fit for the war, and them to train, exercise, and put in readiness, and them, after their abilities and faculties, well and sufficiently, from time to time, to cause to be arrayed and weaponed, and to take the muster of them in places most fit for that purpose. And shall have power and authority, within the said county, to nominate and appoint such persons of quality, as to him shall seem meet, to be his deputy lieutenants, to be approved of by both houses of parliament. And that any one or more of the said deputies, so assigned and approved of, shall in the absence, or by the command of the said , have power and authority to do and execute within the county of all such powers and authorities as before in this present Ordinance contained. And shall have power to make colonels and captains, and other officers, and to remove out of their places, and make others, from time to time, as he shall think fit for that purpose. And the said deputies, colonels, and captains, and other officers, shall have further power and authority to lead, conduct, and employ the persons aforesaid arrayed and weaponed, as well within the county of , as within any other part of this realm of England, or dominion of Wales, for the suppressing of all rebellions, insurrections, and invasions that may happen, according as they, from time to time, shall receive directions by his majesty's authority signified unto them by the lords and commons assembled in parliament. And it is further ordained, that such persons as shall not obey in any of the premises, shall answer their neglect and contempt to the lords and commons in a parliamentary way, and not otherwise, nor elsewhere. And that every the powers granted, as aforesaid, shall continue, until it shall be otherwise ordered or declared by both houses of parliament, and no longer. This also to go to the dominion of Wales."—John Brown, Cler. Parl."

The commons next proceeded to nominate persons to be, by them, recommended to the king, as fit to be intrusted with the Militia of the kingdom; wherein they desired the lords concurrence, which was granted. Sir John Conyers was again recommended to the king, from both houses, as lieutenant of the Tower.

Names of the Persons recommended to be Lieutenants of the Counties.] The nomination of the Lieutenants of the several Counties, in England and Wales, employed the commons three several days. The following List of them, extracted from their Journals, will shew who were at this time the favourites of that house, and also serve to illustrate many passages in the sequel.

COUNTIES IN ENGLAND.

Berkshire—Earl of Holland.
Bedfordshire—Earl of Bedingfield.
Buckinghamshire—Lord Paget.
Cambridgeshire and the Isle of Ely—Lord North.
Cheshire and the county and city of Chester—Lord Savage.
Cornwall—Lord Roberts.
Cumberland—Lord Grey de Werk.
Derbyshire—Earl of Rutland.
Devonshire, and the county and city of Exeter—Earl of Bedford.
Dorsetshire, and the county of the town of Poole—Earl of Salisbury.
Isle of Purbeck in the county of Dorset—Sir John Banks, kt. lord chief justice of the common pleas, and constable of Corfe Castle.
Durham—Sir Henry Vane, sen.
Essex—Earl of Warwick.
Gloucestershire, and the county and city Gloucester—Lord Chandois.
Hampshire, and the town and county of Southampton and Isle of Wight—E. of Pembroke.
Hertfordshire—Earl of Salisbury.
Herefordshire—Lord Dacres.
Huntingdonshire—Lord Mandeville.
Kent, and the city and county of Canterbury—Earl of Leicester.
Lancashire—Lord Wharton.

...ershire—Earl of Stamford.
...olnshire: the parts of Kesteven and Holland, and county of the city of Lincoln—Earl of Lincoln, and for the parts of Lindsay—Lord Willoughby de Parham.
...olk—Earl of Holland
Monmouthshire—Lord Philip Herbert.
...mptonshire—Lord Spencer.
Nottinghamshire, and the town and county of Nottingham—Earl of Clare
Northumberland, the town and county of Newcastle, and the town of Berwick—Earl of Northumberland
Norfolk, and the county and city of Norwich—Earl of Warwick.
Oxfordshire—Lord Visc. Say and Sele
Rutlandshire—Earl of Exeter
Salop—Lord Littleton, lord keeper
Somersetshire—Marquis of Hertford
The county and city of Bristol—Mr Denzil Hollis.
Staffordshire, and the county of the city of Litchfield—Earl of Essex.
Suffolk—Earl of Suffolk.
Surrey—Earl of Nottingham.
Sussex—Earl of Northumberland
Warwick-shire, and the county of the city of Coventry—Lord Brooke.
Westmoreland—Earl of Cumberland
Wiltshire—Earl of Pembroke
Worcestershire, and the county of the city of Worcester—Lord Howard of Escrick
Yorkshire, the county of the city of York, and of the town of Kingston upon Hull—Earl of Essex

Counties & Wales

Isle of Anglesey—Earl of Northumberland
Brecon—Lord Philip Herbert
Cardigan—Earl of Carnarvon
Caermarthen, and the county of Carmarthen—Ditto
Carnarvon—Earl of Pembroke
Denbigh—Lord Paulet
Flint—Ditto
Glamorgan—Lord Philip Herbert
Montgomery—Earl of Derby
Merioneth—Earl of Pembroke
Pembrokeshire, and the town of Haverfordwest—Earl of Northumberland
Radnor—Lord Littleton lord keeper

The Commons Answer to the King's Message concerning Mr Pym's Speech.] This day sir Will. Lewis reported from the committee appointed to consider the king's Message relating to Mr Pym's speech, the following answer, which was read, and, upon the question, assented to by the house, as follows

"Your majesty's most loyal and faithful subjects, the commons now assembled in parliament, have taken into their serious consideration the Message received from your majesty, the 7th of this instant February, and do acknowledge, that the Speech therein mentioned to be delivered by Mr. Pym, in a conference, was printed by their order, and that what was therein delivered, was agreeable to the sense [illegible] of the house: and, touching that passage, wherein it is [illegible] that, since the stop upon the Ports against all Irish Papists, by both houses, many of the chief commanders, now in the head of the rebels, have been suffered to pass, by your majesty's immediate warrant, they present your majesty with this their humble Answer: That [illegible] have received diverse advertisements, concerning several persons, Irish and other Papists, which have obtained your majesty's immediate warrant for their passing into Ireland, since the order of restraint of both houses; some of which, as they have been informed, since their coming into Ireland, have joined with the rebels, and been commanders amongst them; and some others have been stayed, and are yet in safe custody; particularly the lord Delven, and four other persons in his company, whereof one is thought to be a priest; one colonel Butler, brother to the lord Montgarratt, now in rebellion, and sir Geo. Hamilton, all which are Papists; and on other, as is reported, being the son of lord Nottersield, whose father and brother are both in rebellion: the particular names of others we have not yet received, but doubt not, but, upon examination, they may be discovered. And your majesty's most faithful subjects are very sorry, that the extreme caution which your majesty hath used, hath been so ill seconded with the diligence and faithfulness of your ministers, and that your royal authority should be so highly abused; although, as it was expressed in that Speech by Mr Pym, we believe it was by the procurement of some evil instruments about your royal person, without your majesty's knowledge and intention: and we beseech your majesty to take such course that not only your honour may be reinstated for the time past, but your kingdom may be secured from the like mischief for the future."

Mr Chancellor of the Exchequer*, Mr [illegible], sir Philip Stanhope, sir Philip North, and Mr Strangeways were appointed to attend his majesty with this Answer the next day.

Petition of the Inhabitants of Cleveland.] Several more Petitions from counties, to the same purport as those before-mentioned, were presented and read, in most of which there was a Petition from the Gentry, Ministry, and Commonalty of Cleveland, in the county of York, so particular in its style, as to deserve our notice.

"To the Rt Hon. the Lords and Commons of the House of Parliament.

"Whereas we know no other means, under God, to divert the just judgments which he hath executed against the church of the Laodiceans, for their lukewarmness in Religion,

* Sir John Colepeper, so appointed about this time, when lord Falkland was made Secretary of State. The reasons for their promotion are very particularly detailed in Clarendon, Vol. I. p. 207.

or against the church of Thatira, for keeping Seducers; nor to prevent our imminent dangers, but by a most necessary and speedy executing of the laws of God and the king. We do therefore desire to certify, that we are resolved to live and die in the faith of the Protestant Religion, knowing no other means of salvation, and that we will defend it with our lives and goods which that we may, with our abilities, be encouraged in performing, we humbly, above all things, desire that we may be secured, a happy reformation afforded, and the laws of God and the king, without favour or delay, justly put in execution against Papists. And your Petitioners, &c."—This Petition is said, in the Lords Journals, to be subscribed by several hundred hands.

The King consents to the Removal of the Lieutenant of the Tower.] Feb 11 The king's Answer to the desires of both houses, about the Lieutenancy of the Tower, was reported to the lords, which was to this effect.

"Although his majesty thinks himself not obliged to give an Answer, in any particular, concerning the Forts and Militia of the kingdom, until he shall know the extent of the power and time, and to whom they shall be disposed of; yet, to shew his real intention to satisfy the fears of his people, he is content to accept of sir John Conyers, in the place of sir John Byron, to be lieutenant of the Tower; having already, at his earnest desire, received the surrender of the said place from him."

The Lord Keeper's Speech on giving the Royal Assent to the Bills, for levying Soldiers, and taking away the Bishops Votes.] Feb 14. The lord keeper acquainted the lords, That he had received a commission from the king, to give the royal assent to two bills; one for levying of Soldiers, and the other for taking away the Bishops Votes and Seats in that house; and likewise that he had received a Message from his majesty, which was to be read after the bills were passed. He then addressed himself to the lords as follows

"My Lords; His majesty being very willing to give full satisfaction to all the just desires of his subjects, especially when they are transmitted to him by the representative body of the kingdom, the lords and commons assembled in the high court of parliament, his great and general council, hath therefore taken into his serious consideration two Bills of great importance, which were lately passed by the votes of both houses: the one 'For impressing and raising of Soldiers for the present Expedition into Ireland,' to aid and relieve the poor distressed Protestants, who are there daily and barbarously butchered and massacred by the over-prevailing party of the bloody Papists; a thing taken much to heart by the king and all other good men In which bill there is contained a clause, tending much to the security of the persons of the subjects of this kingdom, in declaring, That, by the law, no man ought to be impressed nor otherways compelled to go out of his country, to serve as a soldier, without his own particular assent; or by common consent of parliament, wherein he is involved, unless it be upon necessity of the sudden coming of strange enemies into the land, as, heretofore, it was ordained by a statute made in the 1st year of Edw. 3. or that he be thereunto obliged by tenure; the contrary whereof hath been practised for many ages, till late.—The second bill, much wished and earnestly insisted on, is 'For taking away the Votes of Bishops out of the Lords House, and exempting them from the trouble of other secular Affairs,' that so, being reduced to their first and original institution, they may the better attend the gaining of souls to Heaven, by their frequent preaching and other divine offices proper to their function; a work much more excellent than their mingling in temporal businesses. But in regard his majesty cannot, with convenience, be present to give the royal assent to these two bills, in person, he hath done it by commission; which your lordships and the gentlemen of the house of commons may be pleased to hear read to your great satisfaction, and content of the people in general."

The King's Message upon that Occasion.] This being ended, with the ceremony of passing the two bills, the king's Message, dated at Canterbury, Feb. 13, (where he went to get the Queen on her Journey to Holland) was read in both houses in these words:

"Though his majesty is assured, that his having so suddenly passed these two Bills, being of so great importance, and so earnestly desired by both houses, will serve to assure his parliament, that he desires nothing more than the satisfaction of his kingdom; yet that he may further manifest to both houses how impatient he is, till he find out a full remedy to compose the present distempers, he is pleased to signify, That his majesty will, by proclamation, require, that all statutes made concerning recusants be, with all care, diligence, and severity, put in execution: That his majesty is resolved, that the 7 condemned Priests shall be immediately banished, if his parliament shall consent thereunto And his majesty will give present order, if it shall be held fit by both houses, that a proclamation issue to require all Romish Priests, within 20 days, to depart the kingdom; and if any shall be apprehended after that time, his majesty assures both houses, on the word of a king, that he will grant no pardon to any such, without consent of his parliament.—And because his majesty observes great and different troubles to arise in the hearts of his people, concerning the government and liturgy of the church, his maj. is willing to declare, That he will refer that whole consideration to the wisdom of his parliament; which he desires them to enter into speedily, that the present distractions about the same may be composed: But desires not to be pressed to any single act on his part, till the whole be so digested and settled by both houses, that his maj. may clearly see what is left to be left, as well as what

is fit to be taken away.—For Ireland half of which his majesty's heart bleeds maj hath concurred with all propo for that service by his parliament, solved to leave nothing unlone which shall fall within his possible will refuse to venture his own at war, if his parliament shall vement, for the reduction of the kingdom.—And lastly, His majes tice, by several Petitions, of great ral Decay of Trade in the Kingd more particularly of that of Cloth draperies, concerning which his at Grocers-hall, and subsi from the clothiers at Stroud-water of Trade his majesty hath undertaken respect of the extreme want and poverty both brought, and must be, upon thousands of his loving subjects and influence it must have in very short time on the very subsistence of the whole earnestly recommend the consideration and great and weighty business to be speedily, promising them that he will most graciously further in his resolution their endeavours about, which may conduce to the good work."

The commons being withdrawn, it was ordered, That the king might receive the thanks and acknowleigments for his gracious answer in passing the two Bills and the Petition, and Message; and a committee was appointed to draw up a form to that purpose. Which being done, was read to the house; and the lords and commons assembled in the Painted Chamber, do humbly present to his majesty their most hearty thanks with much joy received, and acknowledge in the thankfullness and knowledge of your princely care and favour in giving your royal assent to the Bill entitled, 'An Act for the utter abolishing and taking away of all Archbishops and Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Archdeacons, Prebendaries, Canons, Priests, Deacons, and all Clerks and other Persons in Holy Orders, to exercise any Temporal Jurisdiction or Authority;' and his majesty's most gracious answer to the Bill for Preventing of Inconveniences happening by the long intermission of Parliaments, for the safety of that and the kingdom, and for the speedy relief of Ireland, with all thankfulness, acceptance of his majesty's gracious favour and grace." The Message to both houses that his majesty will not grant any pardon under the great seal without consent of parliament.

This being agreed to, the commons went down to the commons-house, and brought up the Bill which they gave to it, touching the abeyance of parliament; and the Militia Bill, which might be presented at the same time. The lords demurred to this, and said, that the Bills should be presented separately.

Impeachment against the Attorney General.] The next day, the commons sent up an impeachment against sir Edw. Herbert, the king's Attorney-General, for high crimes and misdemeanors, which was read to the lords at large, verbatim.

"That the said sir Edw. Herbert, knt. his majesty's Attorney General sworn, on the [illegible] day of Jan. 1641, contrary to his oath and the duty of his place, [illegible]

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ing intercepted, directed to secretary Nicholas, was ordered to be opened; but one of them being directed to the Queen, the lords disputed the opening of it, and sent to know the opinion of the commons about it. They returned for Answer, That they had voted it should be opened; on which that house, considering the affair to be a thing of great consequence, desired a conference, the report of which was, "That the commons said, they saw no reason to alter their vote; 1. Because it concerned the safety of the kingdom; for, by this means, the evil spirit and counsels of the lord Digby might be discovered and prevented. 2. If this Letter be delivered to the Queen unopened, the parliament will be put to a deal of trouble to discover what is presented to her majesty in these letters. 3. Since, of late, they had very good reason to suspect the lord Digby as an ill instrument, they conceive they ought not to lose so happy an occasion offered to do the state service; which, if neglected, they shall not be able to answer." On this, a great debate arose in the lords, but at last, it was ordered, That the letters should be opened.

Resolutions of the Commons concerning evil Counsellors, &c.] Feb. 15. This day Mr. Glyn reported to the commons the Resolutions of a committee, appointed to consider how evil Counsellors might be found out and removed from the king, as follows: 1. "That all privy-counsellors and great officers of state may be removed for the present, excepting such as have offices by inheritance. 2. That his majesty shall be humbly desired that he will be pleased to receive only such, to be counsellors and great officers of state, as shall be recommended unto him by the humble advice of both houses of parliament. 3. That such of the said counsellors and great officers, whose names shall be presented by both houses, shall not have access to the persons or courts of the king and queen's majesty. 4. That Mr. Wm. Murray, of the bed-chamber, is thought fit to be removed from the persons and courts of the king and queen, as one that is conceived in guilt of dangerous counsel." In like manner, Mr. Porter, the lord Digby, Mr. Wm. Crofts, and sir John Wyntour, secretary to the queen, were excepted against; but when Mr. Porter's exception, being a member of that house, was put to the Question, it was carried against him, by only 110 against 107.

The Lords pass the Ordinance for the Militia.] Feb. 16. The Ordinance concerning the Militia being at last completed by the two houses, it was this day read and agreed to by the lords; and ordered to be presented to the king. Lord Clarendon observes upon this occasion, "That when this bill had been, with much ado, accepted, and first read, there were few men who imagined it would ever receive further countenance, but now there were few, who did not believe it to be a very necessary provision for the peace and safety of the kingdom, so great an impression had the late proceedings since given."

The 12 Bishops remanded to the Tower.] A message was brought from the commons by Mr. Hollis, importing, "That they understood these lordships had bailed the 12 Bishops impeached by them of high treason; but that they had voted the bail ought not to be bailed; and therefore desired their lordships to remand them back to the place where they were; which the lords also ordered accordingly, but sent to let the commons know, that they had ordered the Trial to be on the 19th instant, which was agreed to by the Commons.

The Queen's Message concerning the Lord Digby's Letter to her.] Feb. 17. The king's Answer to the parliament's Address of Thanks was reported to the lords; which was only this, "Well, I pray you take Ireland, really, into your care; and let your thanks be expressed in that, and I shall thank you."

A Message came, also, from the King, this day, to the lords, which was read in these words—" His majesty, at the earnest desire of his consort, the Queen, hath thought fit to acquaint the parliament, that she understanding a Letter, addressed to herself, had been opened by them, and remains in their custody, desired that a transcript of it might be speedily sent her; and declares, That if the parliament should desire to be further satisfied from her, of any particulars mentioned in that letter, or any circumstances concerning the same, so far forth as may any ways relate unto or reflect upon her person, or any whatsoever concerning her, she is ready and very willing to give them due satisfaction therein." A copy of this Message was dispatched to the commons; but, this not contenting that house, they desired to see the original message which was sent them.

Another Petition relating to the Accused Members.] The commons prepared another petition to the King, concerning the accused Members, which they sent up to the lords for their concurrence, who joined with them in it. This petition was as follows:

To the King's Most Excellent Majesty; The humble PETITION of the Lords and Commons now assembled in parliament.

"Sheweth; That whereas your majesty, in Answer to their late Petition touching the proceedings against the lord Kimbolton, Mr. Hollis, &c. members of the parliament, was pleased to signify, 'That as your maj. once conceived that you had ground enough to accuse them, so now your maj. finds as good cause, wholly, to deter any further prosecution of them: notwithstanding which, they remain still under that heavy charge so imputed unto them, to the exceeding prejudice not only of themselves, but also of the whole parliament: and whereas, by the express laws and statutes of this your realm, that is to say, by two acts of parliament, the one made in the 37th, and the other in the 38th year of the reign of your most noble progenitor king Edw. 3, If any person whatsoever shall make suggestion to the king himself of any

crime committed by another, the same person ought to be sent, with the suggestion, before the chancellor or keeper of the great seal, the treasurer, and the great council, there to find surety to pursue his suggestion, which if he cannot prove, he is to be imprisoned till he hath satisfied the party accused of his damages and slander, and made fine and ransom to the king. The said lords and commons, therefore humbly beseech your maj. that, not only in point of justice to the said members in their particular, but for the vindication of the rights and privileges of parliament, your maj. will be pleased to send the person, or persons, that in this case made the suggestions or informations to your maj against the said members of parliament, together with the said suggestions or informations, to your parliament; that so such fruits of the said good laws may be had as was intended by them, and the rights and privileges of parliament may be vindicated; which, of right and justice, ought not to be delayed."

Answer of both Houses to the Queen's Message.] Feb 19. The commons sent up Mr. Pym, with an Answer to the king's last message about the lord Digby's Letters, with the copies of them, and desired their lordships concurrence in it. it was to this effect *

"Most Gracious Sovereign, Your majesty's most loyal and faithful subjects, the lords and commons in parliament, have received your Message of the 17th instant, sent at the instance of the queen; and, upon consideration thereof, we find, to our great joy and content, clear expressions of grace and favour from both your majesties, for which we return you our most humble thanks; and have herewithal sent the transcript of that Letter required by your maj. as, likewise, of two other letters directed to Mr secretary Nicholas and sir Lewis Dives, all which were brought to us, under one cover, directed to Mr Secretary, with information that they were written by the lord Digby, who being a person fled from the justice of parliament, and one who had given many evidences of his disaffection to it, we conceived it necessary to open the two latter; and finding sundry expressions in them full of asperity and indignity to the parliament, we thought it very probable the like might be contained in the Letter to her majesty; and that it would be dishonourable for her and dangerous to the kingdom if it should not be opened; wherein we were no wit deceived, as your maj. may well perceive by the contents of it. And although we cannot but be very sensible of the great dishonour therein done to your majesties, and the malicious endeavours of fomenting and increasing the jealousies betwixt your majesty and your people; yet we are far from reflecting any thing on the Queen, or expecting any satisfaction from her maj. but impute all to the bold and extenuated spirit of the man. Only we most earnestly beseech your maj. to assure the queen, That she will not vouchsafe any countenance to, or correspondence with, the lord Digby, or any other of the fugitives or traitors; whose offences, now, depend under the examination and judgment of parliament; which we assure ourselves, will be very effectual to further the removal of all jealousies and discontents betwixt your maj. and your people, and the settling of the great affairs of your maj. and the kingdom in an assured state and condition of honour, safety, and prosperity."

The lords agreed to this Message, and ordered it to be presented to the king.

The Trial of the 12 Bishops begun.] This being the day, last appointed, for the Trial of the 12 Bishops, they were brought to the bar of the house of lords, where the managers, for the commons attended. The lord-keeper told those gentlemen they might now proceed against them; whereupon Mr. Glynn desired the Impeachment might be read; which being done, the Answer, or Plea, of the Bishops was also read; importing, That they were not guilty of the Treason charged against them. Then the Petition of the Bishops was read, on which the said Impeachment was grounded (see p. 993); after which Mr. Glynn proceeded to open the charge; and first desired, That the Bishops might be asked, 'Whether they did subscribe the Petition now read, and whether it was their hand-writing?' To this question the bishops refused to answer, because they alledged, 'That it was not charged in the impeachment, neither were they bound to accuse themselves.' Another question was then put to them, 'Whether they consented not to the exhibiting and preferring of the Petition?' To this they said, 'That they would stand to their former answer of Not Guilty.' Then Mr Glynn desired, That the Bishops Answer which they made voluntarily, in this house, on the 30th Dec. last, might be read out of the Journal book, which being done, all the bishops, except the abp. of York, voluntarily confessed, That they subscribed the said Petition, and did own the hand-writing; but denied that they consented to the preferring of it.

The committee of the commons then proceeded, and desired leave to examine some witnesses to prove the falsity of the Bishops Petition, in stiling it, 'The Petition of all the Bishops and Prelates, now called by his majesty's writ to attend in Parliament, and present about London and Westminster.' Likewise to prove that several bishops did never give their consents to the said petition, or ever absented themselves from parliament, on any occasion, or reason of fear or menace; and that some of the petitioners, *viz* the bishops of Gloucester and Bath and Wells, sat in the house of lords the 28th of Dec. last

To prove this the bishop of *Salisbury* was sworn, who said, 'That he was present about London and Westminster, at the time when the other bishops presented their petition to the king and parliament. That he was not

* These Letters will be found in Rushworth, Vol. iv, p. 355.

absent from parliament on any other occasion, than his attendance on the prince, and not out of any force or menace: neither did he hear or know of that petition, before it was brought into the house of peers, or ever consented to it before it was preferred, or since.'

Next the bishop of *Winchester*, upon oath, deposed, 'That, ever since the last recess, he hath been resident in and about London and Westminster, and attending the parliament: that he was sent for to come to the abp. at York the day after the great tumult, at the dean of Westminster's house, where were several other bishops present, the said abp. then said, That they had been all invited, and shewed a draught of a petition, and read it to them. Some speaking of amendments to it, the abp said, 'It was hastily done, and might be made better,' or words to that effect. That then the abp. left them, and, it being late, he went home himself. Afterwards he heard no more of this matter, until he, being in the parliament house, saw a petition there under the 12 bishops hands; and thinks that it was, in effect agreeable with the aforesaid draught, although, he said, there have been some alterations made therein. He further said, That he never gave any consent to the delivery of the said petition to the king or to the lords in parliament. Also, that on the 29th of Dec. last, he, being coming to the parliament by water, met the earl of Newburgh, between the landing place at the parliament stairs and the parliament house; who asked him whither he was going, and told him there were none of his brethren, the bishops, in the house; and thereupon he turned back. He likewise said, that either on that day, or some other about that time, he was coming in a boat towards the shore, to land at the parliament stairs, and seeing a company of 'Prentices, and others standing on the shore, crying, 'No Bishops,' some called out to him, and advised him not to land there; and thereupon he caused the boat where he was to turn off, and to carry him to Lambeth, where he sent for his coach to carry him home. He further said, that he never absented himself from parliament, at any other times, except upon private occasions.'

Then the bishop of *London* was sworn, who said, 'He had been resident in and about London, ever since the last recess of this parliament that, being at the latter place the day the 12 bishops were committed to the Tower, he was told of it, and the reason of their commitments: That the next day he came to the house of lords, where he saw the petition which the said bishops had presented; but did never hear of it before: that the only reason he came not to parliament, was because of the frost. Lastly, that he never did consent to the delivery of the said petition to his majesty, nor to the lords in parliament.'

The Evidence for the matter of fact being given, Mr. Glynn desired, That the Bishops would make their several Answers to their charge, if they had any thing to say. Hereupon, every bishop for himself, made his Answer to the matter of fact; the effect whereof was, "That, by reason of the great concourse of people and their menaces, they were afraid to come to parliament, which was the cause of preferring the aforesaid Petition and Protestation, to preserve their rights in parliament: without any intention to commit any treasonable act, or destroy the fundamental laws and being of parliaments, as is charged in the impeachment against them."

To this Mr. Glynn replied, and made some observations on some of the protestations in the Petition, and observed the circumstances in the body of the Petition, which he pressed by way of aggravation. 'Its said, adds he, in their Petition, they can find no redress nor protection, upon sundry complaints made to both houses; and they do protest against all votes, laws, orders, resolutions, and determinations as in themselves null and of none effect, which in their absence, since the 27th of Dec. last, have already past; as likewise against all such as shall hereafter pass in this house, during the time of their absence from it: which words, he said, are an express denial of the king's authority, in giving the royal assent, in parliament, because the bishops were not present. That their crimes tended to the subversion and undermining the foundation and power of parliament. It deprives this house of all being, and makes its body without life or motion, and to be less than a Pie-Powder Court, unless the bishops were present. It overthrows the fundamental laws of the kingdom for the very same reason, and is a derogation of the honour and the privileges of parliament; charging both houses with denial to give them redress upon complaints made of the particulars in the Petition; when, in truth, no such complaints were ever made to parliament. That the bishops, in their Petition, endeavoured to raise sedition, and to fix an impression in the hearts of the people, 'That the parliament, at that time, had no power to act, or proceed in any business to relieve them in their grievances without the bishops were present.' That when the bishops Petition was preferred, there was a great rebellion in Ireland; and the remedy to subdue that kingdom to obedience was aids and supplies, as the wisdom and power of parliament should provide, which was well known to the bishops; therefore their Petition and Protestation was a direct act to endeavour the loss of that kingdom. Lastly, that at the same time when the Petition was preferred, there was a bill depending in this house to disable the Bishops from sitting and voting in parliament.' Mr. Glynn concluded with observing, 'That their evil intentions might be discovered; 1st. By the many falsities in their Petition and Protestation which had been proved by witnesses; next, by the time when these were preferred, it being the second day after a vote had passed this house, 'That this parliament is a free parliament,' therefore it was an endeavour to make an assault upon that vote

and annul it. And these, adds he, were the streams that flowed from this fountain.'—After Mr. Glynn had done speaking to matter of fact, the Bishops withdrew—he hoped, by their counsel, concerning the matter of law, in point of treason. But both sides being again called in, withdrawn, the lords took this into consideration; and ordered, 'That the Trial of the 12 Bishops, &c. should be further proceeded in on the 24th instant.'

The King differing in an Answer concerning the Militia Ordinance.] Feb. 21. The lord Stamford reported to the house the king's Answer to the last Message from parliament about the Militia, "That it being on a business of the highest importance, not only for the kingdom in general, but also for his majesty's regal authority, he thinks it not necessary to take some time for advisement thereupon, and therefore he cannot promise a positive Answer until he shall return, which he intends to do as soon as he shall have got his dearest consort, the Queen, and his dear daughter, the princess Mary, on board for their transportation to Holland."

Both Houses Petition the King again.] This Answer being sent down to the commons, it was by no means relished to that house; and the same day they drew up another Petition to the king about this matter, which being sent to the lords, it was by them agreed to, and ordered to be presented by the earl of Portland and two commoners. The Petition was as follows:

To the King's Most Excellent Majesty. The Humble Petition of the Lords and Commons

"May it please your most excellent majesty, Your humble and loyal subjects, the lords and commons, have, with [illegible] your majesty's Answer [illegible] and [illegible] by [illegible] by [illegible] them, [illegible] to prepare [illegible] into such [illegible] as may [illegible] the present, [illegible] other way, [illegible] are [illegible] and the [illegible] your majesty would [illegible] herein to a longer and [illegible] which, the present [illegible] being [illegible] and doctrine as [illegible] before, we once again [illegible] your majesty to take our desire into your royal thoughts, and to give us such an Answer as may [illegible] confidence that we shall not be exposed to the practices of those who [illegible] this kingdom, and the kindling of that combustion in England which [illegible] in so great a measure, effected in Ireland, from whence, as we are daily informed, they intend and endeavour to invade us, with the assistance of the Papists here amongst us. Nothing can prevent these evils, nor enable us to suppress the Rebellion in Ireland, and secure ourselves, but the present granting of that our humble Petition; which we hope your majesty will not deny to those who must, in the discharge of their duties, both to your majesty and the commonwealth, represent unto your majesty what they find so absolutely necessary for the preservation of both; which the laws both of God and man enjoin them to see put in execution, as several counties by their petitions, have desired of us, and, in many places, begin already to put in execution of themselves."

Another Answer from the king, about the Militia, &c. was this day, also, reported to the house, and was much to the same purport as the former.

Impeachment of Lord Digby.] Feb. 22. The commons sent up an Impeachment of High Treason against George lord Digby, desiring their lordships to prefix some short time for him to come and appear, before which time the commons would be ready to come up to make good their charge against him. Upon this the lords ordered out a proclamation, through England and Wales, for the lord Digby to appear and answer to this charge, within 10 days after date, on pain of conviction.

The Attorney General's Charge to the Impeachment against him.] This day the Attorney General delivered in his Answer to the Charge of high treason in him, which was read before a committee of that house in these words:

"The said defendant, saving unto himself now, and at all times hereafter, all and all manner of benefit and exception, to the said Impeachment, and to the manifold uncertainties, insufficiencies, and imperfections thereof, for Answer unto so much thereof as concerns his majesty, and the late Queen of blessed memory, that he was, [illegible] of the advising and counselling of the same, or any of them, that he did not at all times endeavour the subversion of, or alteration, or to withdraw the affections of the subjects, or any of them, from their due obedience to his majesty, said [illegible] last past, [illegible] passed in parliament, and to that part of the said Impeachment which charges this defendant with the having [illegible] to this last house, he saith, that upon the 3rd day of [illegible] was [illegible] by his majesty his command, into their house delivered unto the defendant a paper containing the Articles in the said Impeachment mentioned, and did command him, in his majesty's name, to acquaint the house with the matters and treasonable designs and practices, against his majesty and the state, were come to his majesty's knowledge, for which he may [illegible] this defendant, in his majesty's name, to accuse 6 members [illegible] in the said paper mentioned, of high treason, and other high crimes and [illegible]

delivering that paper to your lordships, and to desire to have it read. And further to desire, in his majesty's name, that a select committee of lords might be appointed to take the examinations of such witnesses as his maj. should produce as formerly had been done in cases of like nature, according to the justice of this house; and that committee to be under a command of secrecy, as formerly: and further, in his majesty's name, to ask liberty to add and alter, if there should be cause, according to justice. And likewise, that their lordships would take care of the securing of the said persons, as, in justice, there should be cause.—That, according to his majesty's said command, this defendant did come to this hon. house, the said 3rd day of Jan and then, after the rt. hon Edw. lord Littleton, lord keeper of the great seal of England, had declared to this hon house, that he was commanded by his maj. to let your lordships know, that his maj. had given this defendant command to acquaint your lordships with some things from his maj this defendant thereupon, the said 3d day of Jan. in this hon. house, before your lordships, then and there sitting in parliament, in obedience to his majesty's said commands, as a message from him, did declare the aforesaid commands of his maj.; by acquainting your lordships, that the king had commanded him to tell your lordships, that divers great and treasonable designs and practices, against him and the state, had come to his majesty's knowledge, for which the king had given his command to accuse six persons of high treason, and other high misdemeanors, by delivering these Articles. And that he was commanded, to desire your lordships to have them read; which, by your lordships command, were accordingly read by the clerk: And then further declared, that he was also commanded by his maj. to desire, on his majesty's behalf, that a select committee might be appointed to take the examination of such witnesses as the king would produce, as formerly had been done in cases of like nature, according to the justice of this house; and this committee to be under a command of secrecy, as formerly. And that he was commanded to ask liberty to add according to justice; and that he was commanded to desire that your lordships would take care for the securing of those persons, as, in justice, there should be cause.—And saith, he did not conceive there could be any offence in what was so done by him, in this hon. house, in obedience to those his majesty's commands; being wholly thereby left to your lordship's wisdoms and judgments, being his majesty's great council and greatest court for advice and justice.—And as touching the false, scandalous and malicious advising, contriving, or publishing the said Articles, or any other Articles against the said persons in the said papers mentioned, or any of them; or any breach of this defendant's oath of attorney general; and ta the false, unlawful, and malicious exhibiting the said Articles into this hon. house, or causing any copy thereof to be made; and the intent and endeavour falsely, unlawfully, and maliciously to deprive this hon. house, or the hon house of commons, of any of the members of the said houses, or to take away any of their lives, estates, or good names; and every offence and misdemeanor charged by the said impeachment upon this defendant, he saith he is not guilty of them, or any of them, in such manner and form as by the said Impeachment is charged. All which matters and things this defendant is, and will be, ready to aver and prova in such sort, as to this hon. house of parliament shall seem meet."

The earl of Monmouth was again bail for Mr. Attorney, in 5000*l.* bond, for his appearanca to abide the judgment of the lords in parliament, in this cause, and so the matter was dismissed for that time.

Feb. 23. This day the queen and princess of Orange embarked for Holland*; on the 25th the king returned to Canterbury, and the next day to Greenwich; from whence, on the 27th he removed to Theobalds on his way to York.

Further Proceedings against the 12 Bishops.] Feb. 24. This being the day for the further proceedings against the 12 Bishops, the lords sent down word to the commons, That they had appointed that afternoon, to hear their counsel, in point of law, concerning the treason alledged against them. Soon after the commons returned for Answer, That they had resolved to proceed against the said Bishops who were impeached by them for high treason, by bill; and are proceeding in it accordingly. Hereupon the bishops were called in, and told the matter; on which they said, They had lain long under a charge of Treason, and have had many days assigned them to be heard; and since the matter of fact had been heard, they desired the justice of this house that they might be heard by their counsel, in point of law; and either be acquitted, or judgment given against them upon the charge. The bishops being ordered to withdraw, the lords took their desire into consideration, and it was ordered, "That, before the matter against the 12 Bishops shall be concluded in any proceeding in that house, they shall be heard by themselves and their counsel, as their cause shall require." The

* Whitlocke says, "That the queen carried with her all her own and the king's jewels, not leaving behind the jewels of the crown; that with them, and the assistance of the prince of Orange a sufficient party might be raised for the king". But lord Clarendon alledges, "That both their majesties were reduced to so great want, that the queen was compelled to convert sell her chamber plate for the supply of the most necessary occasions; there being no money in the Exchequer, or in the power of the ministers of the revenue; the officers of the customs, out of which the allowance for the weekly support of their majesty's household had been made, being injoined by the house of commons not to issue out any money, without their privity, advice, consent and approbation."

bishops were called in again and told of this order, which was all the satisfaction they had at that time. The committee of the commons, appointed to manage the evidence against the Bishops, had been ordered to draw a bill, 'For the forfeiting of the Issues and Profits of their Estates, temporal and ecclesiastical, and the disposing thereof as the parliament shall think fit for the Imprisonment of their Persons during their lives; and for the Disposal of all Livings that may fall within their gift.'

The King's Reply to the Commons' Answer concerning Mr. Pym's Speech.] This day the Speaker acquainted the house of commons that he had the night before received a Message from the king, (dated Feb. 22, at Dover, ——over in a letter directed to himself) which his majesty required him to read in the house, and is as follows

"As his majesty hath expressed a great desire to give his house of commons all possible satisfaction to all their just requests, and a readiness to rectify or retract any thing done by himself, which might seem to trench upon their privileges by any mistake of his; so he doubts not they will be ready, upon all occasions to manifest an equal tenderness and regard of his majesty's honour and reputation with his loyal subjects; and therefore his majesty expects they should review his Message of the seventh of this month, concerning a passage in Mr Pym's Speech, and their Answer, sent his majesty by some of their members on the 10th of the same, with which his majesty can by no means rest satisfied. His majesty's exception to that message was, That it was affirmed in that Speech, 'That since the stop upon the Ports against all Irish Papists, by both houses, many of the chief commanders now in the head of the rebels, have been suffered to pass by his majesty's immediate warrant.' To this the Answer is, 'That the Speech, mentioned in that message to be delivered by Mr. Pym, was penned by their order, and that what was therein delivered was agreeable to the sense of the house, that they have received diverse advertisements concerning several persons, Irish Papists and others, who have obtained his majesty's immediate warrant for their passing into Ireland, since the order of Restraint of both houses; some of which, they have been informed, since their coming into Ireland, have joined with the rebels, and been commanders amongst them'—His majesty is most assured, no such persons have a passed by his warrant or privity; and therefore desires his house of commons to consider, Whether such a general information and advertisement (in which there is not so much as the name of any particular ——— mentioned) be ground enough for such a direct and positive affirmation, as is made in that Speech; which, in respect of the place and person, and being now acknowledged to be agreeable to the sense of the house, is of that authority that his maj. may suffer in the affections of many of his good subjects; and fall under a possible construction (considering the many scandalous pamphlets to such purpose) of not being sensible enough of that Rebellion, so horrid and odious to all Christians; by which, in this distraction, such danger might possibly ensue to his majesty's person and estate, as he is well assured his house of commons will use their utmost endeavours to prevent. And, therefore, his maj. thinks it very necessary, and expects that they name the persons, who, by his majesty's licence, have passed into Ireland, and are now there in the head of the rebels; or that if upon their re-examination, they do not find particular evidence to prove that assertion, (as his maj. is confident they never can) as this affirmation, which may reflect upon his maj. is very public; ——they will publish such a declaration, whereby that mistake may be discovered; he may being the more tender in this particular, which hath reference to Ireland, as being most assured that he hath been, and is, from his soul, resolved to discharge his duty, which God will require at his hands, for the relief of his poor Protestant subjects there, and the utter quelling out that Rebellion; so that service hath not suffered any, but necessary delays by any act of his majesty's, for the want of any thing proposed to his maj. or within his majesty's power to do—For the persons named in the Answer, his majesty is such, That Oak Butler, and the son of the lord Nettersfield, obtained his warrants for their passage into Ireland, at his majesty's being in Scotland, which was long, as ——— thinks, before the Order at both ho——. His maj. knowing the former of them ——— hath always made professions to his service, and to be uncle to the Earl of Ormond, of whose affection to the Protestant religion, and his majesty's service, his maj. hath great ca——— assured: and the latter ——— a person ——— at that time, there was n——— to his majesty's knowledge For the ———ners, it may be they have obtained warrants from his maj. since the said Order, but his maj. assures the parliament, that he had no intimation of such order, till after it ——— made ——— Geo Hamilton, who was the last that had a ——— from his maj. to pass for Ireland.—And his majesty having, since his Answer from the house of commons, used all possible means, by the examining his own memory, and the notes of his secre——— to find what warrants have been granted by him, and to what ———rsons, doth not find that he hath granted any to any Irish, but those who are named by the house of commons; and, in Dec. last, to the earl of St. Albans and two of his servants, and to one Walter Terrel, a poor man, ——— being such as his maj. is assured are not with the rebels, and much less chief commanders over them. And though it may be the persons named by the house of commons are Papists, yet his maj. at that time thought it not fit, in respect of their alliance in that kingdom to such persons of great power, of whom his maj. hoped well, to discover any suspicion of them, the lords justices having de-

cluded by their letters, which letters were not disapproved of by the parliament here, that they were so far from owning a public Jealousy of all Papists there, that they had thought fit to put arms into the hands of divers noblemen of the pale of that religion, who made profession to his majesty's service and devotion to same: And since so great a trust reposed in some of the lords of that religion was not disapproved by the parliament here, his maj. could not imagine it unsafe or unfit for him to give licences to some few to pass into that kingdom, who, though Papists, professed due allegiance and loyalty to his majesty.—And therefore, unless the first affirmation of the house of commons can be made good by some particulars, his maj. doth not know that his ministers have failed in their diligence and faithfulness to his maj. in this point, or that his honour hath suffered so much by any act of his own, as that it needs be vindicated for the time past by any other way than such a Declaration, which he expects from this house, as in duty and justice due to his majesty."

The King's Letter to the Earl of Berkshire for his attendance in Parliament.] Feb 25 The earl of Berkshire signified to the lords, That he had received an extraordinary Letter from the King, which was read in these words

"C. R. Right trusty, &c. we greet you well As we have been graciously pleased, at your request had for your private occasions, by our former letter, to dispense with your present attendance in parliament; so now as there are likely to be treated there affairs much importing the public peace and good of our kingdom, we have thought good, by these our letters, to desire you to repair forthwith to London, and not fail to give your personal attendance in parliament: For, as we know your own good affections to the public, will incline you to be careful to prefer that before your own private ease, so we assure you we shall take it as a testimony of your good affections to us on whom the care of the parliament doth immediately depend Given at our Court at Dover, Feb. 23, 1641"

Several lords affirming that they had received Letters from the king to the same effect, the house was put into a committee, to consider what ill counsels had been given to the king, who had gone about to extend the king's prerogative beyond its ancient bounds; who were the authors and procurers of monopolies; and likewise who gave counsel for the breach of the parliament with the Scots, which had cost the kingdom 5 millions; besides many other mischiefs and inconveniences that happened thereupon. But nothing being resolved on, at this time, the house was resumed; and thus this matter ended.

Articles of Impeachment against lord Digby.] Feb. 26. The commons, at a conference this day, exhibited the following Articles against lord Digby, which were sent up by sir John Evelyn

I. "That the said lord Digby, in or about the month of Jan. 1641, maliciously and traiterously endeavoured to persuade the king to levy forces against his liege subjects within this kingdom; and actually did, in or about the said month, levy forces within this realm, to the [illegible] of his majesty's [illegible]

II. That the said lord D. in or about the same month, and at other times, falsely, maliciously, and traiterously laboured to raise a jealousy and dissension between the king and his people, and to possess his majesty that he could not live with safety of his person amongst them; and did thereupon, traiterously endeavour to persuade his majesty to betake himself to some place of strength for his defence. III That the said lord D. about the time aforementioned, did maliciously and traiterously endeavour to stir up jealousies and dissensions between the king and parliament; and, to that end and purpose, did wickedly advise the framing of certain false and scandalous Articles of High Treason against the lord Kimbolton, Denzil Holles, esq. &c and did persuade his majesty, accompanied with divers soldiers and others, in warlike manner, to come in person into the house of commons, and demand the said members of the said house then sitting; to the apparent danger of his majesty's person, and in high violation of the privileges and being of parliament. All which matters were done by the said George lord Digby traiterously, &c for which the commons do impeach him of High Treason, &c "—In support of this accusation,

Sir *John Evelyn* spoke to this effect—"That this was a heavy accusation, and such a one as called rather for pity than aggravation: that a noble gentleman, as he was, should fall into so foul a crime as to study the destruction of his country In the house of commons they observed him to appear much for his country, till he had dived into the secrets of that house; soon after which he fell into ill discourses and bitter rulings against that house; as in a speech of his, touching the earl of Strafford; wherein he involved the commons, your lordships, and the king, in wilful murder Being questioned for it, he fled from that house and came to yours, where we found him the same way there That the lord Digby had said 'This was no free parliament;' not long after followed that high breach of parliament, at which time he was observed to be a diligent attendant on the courts of the king and queen. After that plot was discovered, the king retired to Hampton Court, and there we found him tampering with the soldiers, saying, 'The king went out of town only to save them from being trampled in the dirt,' and by offering money to the soldiers for doing the worst mischief that ever was done to the king. After that he endeavoured to list men, raising armies, offering himself and all he could for that purpose; the particulars whereof they will make appear to your lordships by proof. That nobleness and honour that hath promoted your lordships to stand so long in the gap, for the good

[illegible] the state, will easily suggest what [illegible] preveth that would destroy it. He [illegible] not omit to saw jealousies between [illegible] and people, deserveth ill, but he that [illegible] foster and nourish them, the state will [illegible] him out, they cannot digest him. He [illegible] ended with saving, they would, by proof, [illegible] and the Articles now exhibited to their lordships."

Message to the King about removing the Prince.] Feb. 6. The king, on his return from [illegible] the queen embarked for Holland, having sent to command the prince of Wales to meet him at Greenwich on the 26th; his governor, the marquis of Hertford, being then sick, could not attend him thither, but sent to acquaint the two houses with it upon which they dispatched the [illegible] message to the king, and the [illegible] were made in the house of lords [illegible] This message was as follows:

"The lords and commons, in parliament, humbly desire his majesty, that the Prince may not be removed from Hampton-Court, and that for these [illegible] reasons: 1. They conceive that his majesty [illegible] that the Prince should [illegible] Hampton-Court until his majesty's return. 2. That the lord marquis of Hertford, appointed by his majesty to be governor of the prince, [illegible] approved of and commanded by parliament to [illegible] personal attendance upon the Prince, [illegible] indisposed in his health, that he [illegible] attend the prince to any other place. 3. That the prince's removal, at this time, from Hampton-Court, may be a cause to promote jealousies and fears in the hearts of his majesty's good subjects, which [illegible] necessary to avoid."

The King's Answer.] The king's answer was as follows: "That [illegible] intended, at his removal from Hampton-Court, with his royal consort, the [illegible] Prince [illegible] court [illegible] houses, and that [illegible] well upon a conference had at Greenwich, he commanded that [illegible] should attend him there, with [illegible] his former [illegible] very sorry to hear of the [illegible] whom he principally, [illegible] dearest son; but, if that misfortune should have fastned, his majesty did not think fit that his want [illegible] the prince from waiting upon him according to his command, and therefore did [illegible] much offended if the prince had failed of meeting his majesty, according to his appointment. 3. To the fears and jealousies, his maj. knows not what answer to give, not being able to imagine from what grounds they proceed, but if any information hath been given to that purpose, his maj. much desires that the same may be examined to the bottom; and then he hopes that their fears and

[illegible] [illegible] [illegible] [

arise upon these Answers of the ... coming the Militia or the Prince." ... agreed with the commons ... all these ... and appoint ... a select committee of their ... accordingly.

Declaration that both Houses ... the Militia without the King.] March ... This day the said committee brought in ... ht of a Declaration to the King, to the foregoing Answer concerning the Militia; which was read in these words:

"Most Gracious Sovereign, Your majesty's most loyal and obedient subjects, the lords and commons in parliament, do find their just ... pretensions of sorrow and fear, in respect of the public dangers and misery like to fall upon your majesty and the kingdom, to be much increased, upon the receipt of your most ... ted denial of their most humble and necessary Petition, concerning the Militia of the kingdom; especially grieving, that wicked and mischievous counsellors should still have that power with your majesty, as, in this time of imminent and approaching ruin, rather to ... the most fair resolutions to that which ... apt to further the accomplishment of the desires of the most malignant enemies of God's true religion, and of the peace and safety of ... s and your kingdom, than to the dutiful and ... ts of our parliament.—Wherein ... ch we ... , in all humility, to protest, ... , shall persist in that ... the dangers and distempers of the kingdom ... as we cannot endure no longer to ... but ... ourselves be grieved ... plead ... ... messengers, that ... ; ... resolutions ... ...

ation [illegible] now, [illegible]
[illegible]
[illegible]
[

tions, to the hon. house—I am not
That you would in your
steps of Constantine the
he had cast this resolution
accession
to the world and
upon him, that
the
gel's sake of Christ.—My
That it my subscription
frequent, and worthy
the
that the
be proportionable
third and last motion
(after my 58 years painful, constant, and successful preaching of the Gospel of Christ, in the kingdom of England, and in
may not be termed of me,
ters, plumbeas
Speaker, I might here tender
the consideration of this hon. house, by
able construction of my rash
may say commutation; yet all
tion, that is far from me,
consolation of my perpetual
great affliction, restraint and disgrace
have long sustained, (which is
ever I endured before, and
dangers and jeopardies of the
miseries of the wars, where I
share) and partly for the
our reputation, calling, and
is now so doubted, eclipsed, and
the eyes of the world, and
mouths of the vulgar multitude
—But I was
not detain you from
important
the
my own
the
barren
honour
the
persecution, affliction,
my bounty unto me. I appeal
their testimonies, and know
amongst them: nay, I appeal to the
that in house, where, I
16 month sitting, there is
can trench upon me, neither, I
me be.—And therefore my humble
pention, if you intend accusation;
for your mediation, that I may speedily
to my own home and cure,
time
because the days are evil,' as the
speaks; and to regain the esteem and
tion which I was long in getting, and
enjoyed, but lost in a moment; for if I should
out live (I may not my bishoprick, but my
credit, my grey hairs and many years would
soon be 'brought with sorrow to the grave.—

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ance at last by both
ly ou
given
excepting
authority
throughout, and the filling up the
Lieutenancies with the Names of the same
persons whom the commons had recommended
to the king; a List of whom are to be found
at p. 1092.

instant March [illegible] cause of [illegible] faithful [illegible] Lords and [illegible] parliament [illegible] without [illegible] of common [illegible] consider [illegible] the [illegible] persons [illegible] which [illegible] and [illegible] you [illegible] them, be [illegible] informed that [illegible] numbers, which your [illegible] sufficient any just ground, do necessarily arise from those dangers and this [illegible] into which the mischievous and evil counsels of late have brought this kingdom, and from those other fears and jealousies [illegible] your [illegible] presence [illegible] been withdrawn from your [illegible] no foundation or subsistence in [illegible] intention, or miscarriage of ours, but merely grounded upon the falsehood and malice of those, who, for the supporting and continuing their own wicked designs against the religion and peace of the kingdom, do seek to deprive your majesty of the strength and affection of your people, and them of your grace and protection; thereby to subject both your royal person and the whole kingdom to ruin and destruction.—To satisfy your majesty's judgment and conscience in both these points, we desire to make a clear and free Declaration of the Causes of our Fears and Jealousies, which we offer to your majesty, in these particulars: 1. That the design of altering Religion in this, and in your other kingdoms, hath been publicly carried on by those in greate authority about you for divers years together; the nuncio, agent at Rome, and the Pope's agent or nuncio here, are not only evidences of this design, but have been great actors in it. That the War with Scotland was procured to make way for this intent, and effected, united and supported by the Papists, and others popishly affected; whereof we have many evidences, especially their free and general contribution to it. 3. That the Rebellion in Ireland was raised and contrived here in England, and that the English Papists should have risen about the same time, we have several testimonies and advertisements from Ireland, and that it is a common speech amongst the rebels, to intimate and concur other evidences and observations of the suspicious meetings and consultations, the tumultuary and seditious carriage of those in that religion in divers parts of this kingdom, about the time of the breaking out of the Irish rebellion, the deposition of O'Connolly, the information of Mr. Copley, minister, the letter of Tristram Whitecombe; the depositions of Hugh Grant, and many others which we may produce, do all agree in this) and the public Declaration of the lords, gentlemen, and others of the Pale, that they would join with the rebels, whom they call the Irish army, or any other, to recover unto his majesty his royal prerogative, wrested from him by the Puritan faction in the houses of parliament in England; and to maintain the same against all those as also to maintain episcopal jurisdiction, the lawfulness thereof, these two [illegible] quarrels, upon which his majesty's [illegible] in the North [illegible] have been [illegible] against us.—The great cause we have to fear that the late design, stiled 'The Queen's plus [illegible] tion' was for the alteration of religion in this kingdom, but success whereof the [illegible] to the [illegible] Rosetti, upon [illegible] and practise, to be observed every week by the English Papists, which appeared to us by one of the original letters, directed by him to [illegible] in Lancashire. The boldness of the Irish rebels, in affirming that [illegible] had by authority from the king, that they call themselves the Queen's Army, that the prey or booty which they take from the English, they mark with the queen's mark, that their purpose was to come to England, after they had done in Ireland, and sundry other things of this kind, proved by O'Connelly, and divers others, especially in the fore-mentioned Letter from T. Whitecombe, the mayor of Kinsale, to his brother Benj. Whitecombe, wherein there is this passage, 'That many other strange speeches they utter, about religion, and our court of England, which he dares not commit to paper.' The manifold attempts to provoke your majesty's late army, and the army of the Scots, and to raise a division in the city of London and other parts of this kingdom, that those armies, by disbanding those businesses, have had their pay taken from them, and encouragement to the court: witness the treason [illegible] Mr. Jermyn and others, stand accused, [illegible] was transported beyond sea, by whose [illegible] your majesty's hand, after your [illegible] assurance to your parliament, [illegible] had a strict command upon [illegible] of your servants, not one of them should depart [illegible], and that dangerous Position, [illegible] in the Legge [illegible] your [illegible] seconded accompanied with a [illegible] [illegible] Act [illegible] the lord kimbolton, and the [illegible] of the house of commons [illegible] to the parliament by your [illegible] endeavoured to be [illegible] in the city by your own presence and [illegible] upon, and to be put in execution upon their persons, by your majesty's demand of them in the house of commons, in so terrible and violent a manner, as far exceeded all former breaches of privileges of parliament, acted by your maj. or any of your predecessors; and whatsoever your own intentions were, [illegible] vers bloody and desperate persons, which intended your majesty, discovered their affections and resolutions to have massacred and destroyed the members of that house; if the absence of those persons accused had not, by God's providence, stopped the giving of that

* Lord Clarendon gives a very particular account of this affair of captain Legge. [illegible], p. 192. fol. edit.

there than in any other [illegible] lays a general tax upon [illegible] will be graciously pleased [illegible] particulars, we shall give [illegible] tery Answer: but what [illegible] of ever giving your maj. satisfaction [illegible] particulars which you have been [illegible] were true, yet, being [illegible] known to us appeared to be false; and your majesty, in your wisdom, will neither punish nor produce the authors, but go on to create new Jealousies and Fears, upon general and uncertain grounds, affording us no means or possibility of particular answer to the cleansing of ourselves, for proof whereof, we beseech your majesty to consider these instances: The Speeches alledged to be spoken in a meeting of divers members of both houses at Kensington, concerning a purpose of restraining the Queen and Prince, which after it was denied and disavowed, yet your maj. refused to name the authors, though humbly desired by both houses. The report of Articles framed against the queen's majesty, given out by some of your relation to the court, but when it was publickly and constantly declared, the report seemed to be withdrawn from us, but the authors being kept sane, will also not be ready for exploits of the same kind when you will, maj. and the queen will be out of trouble. In this course he taken to [illegible] and scare them in such wicked and unlawful [illegible] The hearty charge and accusation of the Lord Kimbolton and the five members of the house of commons, who [illegible] in the [illegible] tion which might stand with the privilege of parliament; yet no authority [illegible] produced, against whom the [illegible] for the great injury and [illegible] them; notwithstanding three [illegible] of both house, and the [illegible] of parliament vouch'd in the [illegible] tions.—We beseech your [illegible] what state you are [illegible] you have by happiness [illegible] plenty, and security, [illegible] Whitehall, Putney, Greenwich, Chatham at all your fortified [illegible] defence of the religion and public good of the kingdom: this is all we expect from you; and for this we shall [illegible] to you our [illegible] tunes, and [illegible] endeavours to support your maj. in your just sovereignty and power over us: but it is of words that can secure us as those our humble desires, we cannot but too well, and sorrowfully, remember what gracious Messages we had from you this summer when, with your privity, the bringing up the army was in agitation, we cannot but, with the like affections, recall to our minds, how, not two days before you gave directions for the above-mentioned accusation, and your own coming to the commons house, that house received from your maj. a gracious Message, 'That you would always have the same care of their privileges, as of your own prerogative; of the safety of their persons, as of your own children.' That which we expect, and which will give us assurance that you have [illegible] but of peace and justice to your [illegible] be some real effect of your goodness [illegible] in granting those things which the [illegible] cessity of the kingdom doth inforce us [illegible] sire: and, in the first place, that your [illegible] be graciously pleased to put from you [illegible] wicked and mischievous counsels [illegible] have caused all these dangers and distractions, and to continue your own residence, and Prince near London, and the parliament. Thus, we hope, will be a happy beginning, contentment and confidence betwixt your maj. and your people, and be followed with many succeeding blessings of honour and greatness to your majesty, and of security and prosperity to them."

This being read, a debate ensued, and the question being put, it was resolved, "That this house agrees with the house of commons in this Declaration, and that it be presented to the king." A committee of both houses being appointed accordingly, the following peers entered their names as dissenting to this vote: earl of Lindsey, lord great Chamberlain; the earls of Southampton, Northampton, Dover, and Cleveland, lords Mowbray, Willoughby de Eresby, Grey, Rich, Howard de Charlton, Savile, Dunsmore, Seymour, and Capell.

Additional Reasons in Support of the foregoing Declaration. March 7. p. m. The lords received a message from the commons, desiring their lordships to sit a while, having some business to communicate to them of high importance. Soon after came Mr. Pym, and presented to the house some Reasons, which, read, and the commons think fit to be delivered to the king, either in writing, or by word of mouth, along with the Declaration. The Reasons were to this purpose in these words:

"The lords and commons have commanded us to present unto your majesty this humble Addition to their former Declaration. That your majesty's return, and continuance with your parliament, is a matter, to their apprehension, so great in necessity and importance, as only the preservation of your royal person from harm, that they cannot think themselves discharged of their duties in the single expression of their desire, unless they add some further Reasons to back it with. 1. That your majesty's absence will cause men to believe that it is out of design to discourage the undertakers, and hinder the other provisions for raising money for defence of Ireland. 2. That will very much heartened the rebels there, and disaffected persons in this kingdom, as by an evidence and effect of the jealousy and division betwixt your maj. and your people. 3. That it will much weaken and withdraw the affection of the subject from your majesty, without which a prince is deprived of his chiefest strength and lustre, and left naked to the greatest dangers and miseries that can be imagined. 4. That it will invite and encourage the enemies of our religion, and the state, to foreign parts, to the attempting and acting

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evil designs and intentions towards us ... That causeth a great interruption in the proceedings of parliament.—These considerations threaten so great danger to your majesty's ..., and to all your dominions, that, as your majesty's great council, they hold it necessary to represent to you this their faithful advice, that no ... may be taken before God and man.

These Reasons were also voted by the lords to be presented at the same time with the Declaration.

Proceedings in the Trial of the Attorney General.] March 8. The draft of a letter from the King, directed to the lord keeper was read, viz.

"C. R. Right trusty and well beloved councellor, we greet you well. Whereas the good hardly to excuse, that we did on the 3d of Jan. last, deliver unto our Attorney General certain Articles of Accusation, expressed in a Paper, (a copy whereof we have sent here inclosed) and did charge him, in our name, to accuse the six persons in the said paper mentioned, of high treason, and other high misdemeanor, by delivering the paper to the said house, &c. [as before recited.] We further declare, that our said Attorney did not advise or contrive the said Articles, nor had any thing to do with them, about any Breach of Privilege that followed after, and for what he did, in obedience to our commands, we conceive he was bound by his oath and the duty of his place, and by the trust by us reposed in him, so to do; and had he refused to have obeyed us therein, we would have questioned him for the breach of his oath, duty, and trust. But now having considered, That we find cause wholly to desist from any farther proceeding against the persons named in the said impeachment, for Our Attorney to proceed no further therein, nor to produce or discover any proofs concerning the same before Our Court in Banson, the third of March, 1641."

The lords concurring in the letter to be a preliminary to the judgment of their house, ordered to proceed in the business against the Attorney General, now, and this Letter to be taken into consideration afterwards, as a matter of great consequence. A message was also sent to the commons, to inform them of the Letter, and that their lordships were ready to proceed against the Attorney General, if they would send a committee of their house to manage the evidence. Accordingly, the committee being come, the lord keeper told them they might begin their evidence; whereupon

Mr Serjeant *Wylde*, one of them, said, "That they were appointed by the house of commons, to make good their Charge against sir Edw Herbert, his majesty's Attorney General; a person of eminency in the common law, both eminent in place, and eminent in crime, the nature and deformity of which is set forth in the Impeachment, which he desired might be read. Then he observed, That his Charge was of 3 parts. 1. The advising and contriving of these foul Articles. 2. The publishing and exhibiting of them in this house. 3. The falsehood, scandal, malice, and other ingredients ... which are misreported so egregious, that they could not be more separated than blackness from the Æthiopian; or, if they could be separated, yet each of them was sufficient to call for judgment against Mr. Attorney. He then mentioned the exhibiting of these Articles, Jan 3, 1641, and they were read out of the Journal Book of that day. Then the king's Proclamation, reciting, That sir Attorney General, by his majesty's command, had accused the 6 members of high treason in the house of lords. Likewise his majesty's Letters to Dover, and other ports, for the apprehending of them, reciting that they were accused by the Attorney General. Next he heard that Mr Attorney's Answer ... might be read, wherein, he said, there was matter enough to condemn him. In which he confessed the exhibiting the paper of Articles, as a Message from his majesty, and by his command, on which it was recorded in the lords' book, put into a course of proceeding; a committee appointed for examination of witnesses, under a command of secrecy; and a desire to the lords that their persons might be secured. These were the steps and degrees of his proceedings, but, in his Answer, he denied the advising and contriving of these Articles, he said, That he was so far from this, that he knew nothing at all of them, till he received this command from his maj for the exhibiting of them, being sent for, immediately before, by his maj. for that purpose. But this, he said, was so far from satisfaction to the commons, or qualification of the offence, that it aggravated and augmented it.—For the exhibiting and promoting of those Articles is, in judgment of law, an evident demonstration of his contrivance of them. As, in the case of stolen Goods, the receipt and possession of them, is an evidence, to a jury of life and death of the stealing of them, unless the party can shew how he came by them. In case of Trover and conversion of goods, though the denial of them, upon demand, be no conversion, in law, whereon to ground an action, upon Not guilty pleaded, it is a good evidence to a jury to find him guilty of the conversion. In case of a Libel, the finder and publisher shall be adjudged the author and contriver of it, unless he can produce some other author. So, in this case, the publishing and exhibiting of these Articles, by the attorney general, is a clear evidence that he contrived them; tho' one doth necessarily imply the other. The contriving, without the publishing, is but an inception of an offence; the publishing is the consummation of it, and therefore the more heinous. The publisher is the grand offender; he blows the coals and the trumpet. If it

could be imagined that there was another author, or contriver of these, than Mr. Attorney, as he would pretend, yet the exhibiting and promoting of them is an offence so heavy, as needs no other additional weight to press him down to the ground; who, by such an act of injustice and false accusation, would so grievously have oppressed them. Mischiefs, hatched in the brain, are only mischievous to the inventor, but the vegetation and life is from the publisher, he gives motion and agitation to it, which, otherwise, would be but an abortive and inanimate creature.—But for the Excuse, under which he seeks to shelter himself, that is, the king's command, this adds more to his offence, a foul aspersion on his majesty, and wrong to his gracious master, for he could not but know that the king's command, in things illegal, is utterly frustrate, and of no effect: his patents and grants, if against the crown, in matter of interest, are merely void, quia in deceptione regis; if against the weal-public, they are, ipso jure, vacua, much more his command, in matters criminal, because no action lies against him.—The Serjeant, next, proceeded to cite several cases, from the Statute Books, &c to prove that the Attorney General had broken all those laws, and infringed all those liberties; even the rights of parliament, by which no member of either house ought to be impeached, either for felony, treason, or other offences, without representing the cause first to that house whereof he is a member, and their consent and direction therein desired: for, otherwise, all members of each house may be pulled out, one after another, upon pretence of treason; which, perhaps, he said, was now Mr. Attorney's design. Besides, he said, that the Attorney had done contrary to his oath, in this business; for he is sworn to the king, duly and truly to issue out the king's writs, and give the king true advice according to the law, which, in this action, he hath not done, contrary to his oath.—The Serjeant then said, That many aggravating circumstances might be added; as, the Attorney's profession and knowledge in the law; his long experience in the course and privileges of parliament, having been so often, and of late, a member of the house of commons, and obliged to them by many favours; and now an assistant or attendant in the house of lords. Then considering the qualities of the persons accused; their singular parts, integrity, and merit; their indefatigable labours and travail for the public good, which could not expect such a reward as this, the odious name of traitors, the woful and dangerous consequences that have, de facto, ensued upon this; for, by colour of these Articles, they were proclaimed, posted, sold up and down, for traitors; they were hunted and sought for by officers, demanded even from the horns of the altar; their studies, chambers, and trunks sealed up; the house of commons strongly besieged; their privileges strangely invaded; their last and uttermost hopes ready to be confounded. As these are beyond expression, so the consequences that might have happened are beyond imagination; bloodshed, horror, devastation, and confusion; all the evils, dangers, troubles, and distractions which have happened since, and what now the houses lie under, may be imputed to this act of Mr Attorney. Had he stood in the gap, and humbly besought or advised the forbearance of this, or declined the doing of it, as in all equity he ought to have done, all these miseries had been prevented, and a happy reconciliation, in all likelihood, settled between his majesty and his people before this time. It remains, therefore, that he who, willingly, judicially, and upon record, hath contracted to himself the guilt of all these evils and calamities, should receive, from their lordships, such a measure of punishment as may make the fact more odious, and himself the mark of their exemplary justice to this and after ages.

Mr. Serjeant Wylde having made an end of this Charge, desired, That if Mr Attorney would make any Answer to it, he might speak himself; but the attorney desired that his counsel might be heard for him. To this the Serjeant objected, and said, That they were a committee representing the house of commons, and it did not stand with the dignity of that house to have counsel come to confront them. He further alledged, That this offence of Mr. Attorney's had been voted, by both houses of parliament, an high Breach of the Privileges of Parliament, which no counsel can, neither ought they to judge of. And because it concerned the house of commons, in an high degree, in their privileges, as well as it did their lordships, he desired that Mr. Attorney might not be allowed counsel, but that he might speak for himself.—The Attorney replied, That their lordships had been pleased, upon his humble Petition, to assign him counsel in this cause; that his Answer is put in by their advice, and they are ready to maintain it; which if their lordships should not allow of, he was not provided to make a defence to his charge, therefore desired their lordships to hear him by his counsel, and the committee to take the judgment of the house upon it.—Hereupon both sides being commanded to withdraw, the lords put themselves into a committee, for the more free debate in this matter, it being a mixed case, consisting of breach of privilege of parliament, matter of fact, and matter of law. The house being resumed, the question was put, Whether Mr. Attorney should have counsel, in matter of privilege, in this case? and it was resolved in the affirmative. The committee of the commons, the Attorney and his counsel, being called in again, were told of this Resolution; and that their lordships had appointed to proceed further in this cause the next day.

March 9. The lords proceeded in the Attorney General's cause, and his counsel were told, that they were to begin with assisting him in his defence, upon their perils. The counsel

craved their lordships pardon therein, [illegible] came not now provided for his defence [illegible] cause the business concerned the privil[illegible] parliament, as was alledged yesterday. [illegible] lords not being satisfied with this Answer, [illegible] mitted the Attorney and his counsel to with[illegible] withdraw; and, upon consideration of it, it w[illegible] ordered, 'That they should be commanded to give a direct Answer, severally, whether they would plead or not; and if they would not it should be taken as a denial.'—Being called in again, the lord keeper commanded them to proceed; when sir Thos. Beddingfield, one of the counsel, answered, He desired some time to prepare for it, not being now provided. Sir Thos. Gardiner, recorder of London, another counsel, answered in like manner. The rest of them said, That they were willing to plead now, at their lordships command, and thought it was their duty so to do; but the chief part of Mr. Attorney's Defence being committed to the aforesaid gentlemen, by that means they are not provided now, but desired some further time, as their lordships should please to appoint. On this, all being commanded to withdraw again, the lords considering the refusal of sir Thos. Beddingfield and sir Thos Gardiner, to plead, as a contempt of that house, ordered them both to be committed to the Tower, there to remain during the pleasure of the house and further ordered, "That if Mr Attorney desire other counsel, in the room of the former, that he bring in the names of such as he desires, the next morning, for the better expediting of this cause."

March 10 The Attorney made his humble petition to the lords, That they would assign him Mr Serj Creen, and Mr. Serj Pheasant, as counsel in the room of the former two committed, which was granted, and the 12th instant was peremptorily appointed to proceed in that business

The King's Speech to the Committee, on their presenting the last Declaration to him at Newmarket.] March 14. The lords appointed to present the parliament's Declaration to the king, reported, That they had done so at Newmarket, and that the next day they had received the following Answer

"I am confident that you expect not I should give you a speedy Answer to this strange and unexpected Declaration; and I am sorry, in the distraction of this kingdom, you should think this way of address to be more convenient than that proposed by my Message, of the 20th of January last, to both houses As concerning the Grounds of your Fears and Jealousies, I will take time to answer particularly, and doubt not but I shall do it to the satisfaction of all the world God, in his good time, will, I hope, discover the secrets and bottoms of all plots and treasons, and then I shall stand right in the eyes of all my people. In the mean time, I must tell you, that I rather expected a vindication for the imputation laid on me in Mr. Pym's Speech, than that any more general rumours and discourses should get [illegible] thoughts [illegible] ought [illegible] [illegible] and [illegible] [illegible] [illegible]

day, when his majesty delivered his Answer, which was read by the earl of Holland to the rest of the committee; and that being done, his lordship endeavoured to persuade his maj. to come near the parliament his maj. answered, 'I would you had given me cause, but I am sure the Declaration is not the way to it; and in all aristade' Whereupon there is no such argument in persuasion' The earl of Pembroke thereupon telling him 'That the parliament had humbly beseech'd his maj. to come near them as more and' His majesty replied, 'He had learn'd by his Declaration, that words were not sufficient' His majesty, being again moved by the earl of Pembroke to express what he would have, said, 'He would whip a boy in Westminster school that could not tell that by his Answer' And further said 'They were much mistaken, if they thought his Answer to that accusal,' And being asked by the said earl of Pembroke, 'Whether the Militia might not be granted, as was desired by the parliament, for a time.' His majesty swore, 'By God, not for an hour; you have asked that of me in this, which was never asked of a king, and with which I will not trust my wife and children.' His majesty added, 'The business in Ireland will never be done in the way you are in, 400 will never do that work it must be put into the hands of one If I were trusted with it, I would pawn my head to end that work, , and though I am a beggar myself, yet,' speaking with a strong asseveration, 'I can find money for that."

Further Proceedings in the Trial of the Attorney General.] The foregoing Answer being read, the lords ordered the Attorney General and his counsel to be called in, and proceed in his defence Serjeant Pheasant desired to be excused from pleading in a business which required so much pains to attend it, by reason of his bodily infirmities, and the other, serjeant Green, saying, That being assigned so lately to this business, he found it so intricate to be put in a method, and the records to be perused so many, that he could not upon so short warning, undertake to make this defence he therefore humbly prayed their lordships to excuse him then, and allow him some further time to prepare himself for this purpose. But, upon consideration of this, the lords resolved to allow no longer time; on which Mr. Henrie, another of the Attorney's counsel, desired that the Impeachment might be read; which being done, he said, "That for the matter of fact, nothing appears by way of charge, but the exhibiting of the Articles; and that no witness was produced, in all the cause, to prove any crime; that there was but an Impeachment and a denial; and no act proved but what was confessed, which is the exhibiting the Articles. He further alledged, That whereas the Attorney was charged to do the fact maliciously, he did nothing but by the command of the king, and knew not of the Articles until they were delivered to him by his majesty"

Next Mr. Clute, another of Mr. Attorney's counsel, argued, "That it was the duty of the Attorney to prosecute the king's causes in courts of record, when he shall be called, to be assistant in all these matters; to this purpose he read the Attorney's oath. Further alledged, That the king's Domus est nobilissima, is warrant enough to the Attorney to proceed against any person, as in the record Edw. 3 Rot. 93 where Wm. duke of York on Domus est nobilissima was brought before the King and his council and prosecuted by the attorney general. He also urged the parts of the statute of 11 Henry 4 Arundel's case April 1626 ' He said, "That the Attorney is bound by his oath, to proceed all courts of record, though the king give him no command, and that in parliament he is prosecuted by Commander de Bas, in 31 of Edw. I Rot. C. where Nicholas de Segrave was summoned, by the sheriff of Northampton, to appear 'Coram Domino rege in proximo parliamento suo, apud Westmonasterium primo adventu Domini regis, ibidem ad audiendam voluntatem Domini regis, super his quæ tunc ibidem proponere fuerint contra eum; et ad faciendum et recipiendum ulterius quod Curia Domini Regis consideraverit in premissis' The said Segrave appearing in parliament he was prosecuted for the king, and accused by Nic. de Warwick, 'That he maliciously stirred up discord and confusion against John de Crumbwell, who was employed by the king in the war against the Scots. And it being given to make answer, Segrave submitted and acknowledged his offence upon the 7th king desired the advice of the lords, what punishment should be inflicted upon Segrave for such a fact, so fully and expressly confessed; the lords gave this Judgment, That, for his fault, he deserved to lose his life; yet the king, out of his special grace and piety, remitted the judgment of life and members, and ordered the said Segrave to find seven good and sufficient men to be bail for him, body for body Also 4 Edw. III Sir Tho Berkeley and John Maltravers were prosecuted in parliament, for the murder of Edw II and were tried and acquitted by a jury. And 1. Rot 7. No 17 Rauf de Ferrers was prosecuted in parliament, upon suspicion of treason So in the parliament 17 Rd. 2 No. 20. Tho. Talbot, chevalier, was accused in parliament, for conspiring the death of two of the king's uncles"

The counsel having spoken concerning the matter of fact, Mr. Attorney made his own defence to that which concerned the matter of privilege of parliament; and cited the case of Philip Courtney, 16 Rd 2. No. 10. and the case of the earl of Arundel, and his remonstrance made thereon, April 19, 2 Caroli He also insisted, lastly, on the case of the earl of Bristol, the same year. And concluded with observing, That he did not conceive any thing urged against him could make up the crime that he is charged with, but only the vote, passed by both houses, touching the breach of

the privileges of parliament; and so submitted himself to the justice of that house. Nothing more was done in this cause at this time. Sir Ph. Beddingfield and Sir P. Gardiner, on their humble petition to the lord, were released from the Tower.

March 15. The lords again took the cause of Mr Attorney into consideration, What Judgment was to be given on the impeachment of the commons against him. After a long debate, it was put to the question, 1. Whether, upon the whole matter, Mr Attorney had committed treason for which he might to be sentenced to that high Resolved in the affirmative. 2. Whether he should lose his place? Resolved in the negative. In this last vote the following lords entered their names, as dissenting, viz. the earls of Northumberland, Pembroke, Leicester, Warwick, Holland, Bolingbroke, Stamford, Lords, Hastings, Willoughby of Parham, St John, Saunder, Paget, Grey de Wark, Rivers, 3. Whether the Attorney shall continue in the king's favour and influence? Resolved in the same lords, as above, dissenting. 4. Whether Mr. Attorney shall pay damages for his office to the parties that were cast? Whether the Attorney shall be committed to the Tower to the utmost? Both these were also, resolved in the negative, the same lords dissenting.

Votes of the Commons for putting the Kingdom into a State of Defence, &c. March 15. Upon a message sent to the commons from the lords with some votes, that had passed their house, touching the militia, and their lordships concurrence with the commons in the votes sent to them for the militia, with some alterations, which they desired might be agreed to by the commons, and their lordships reasons for the same. The votes were these:

1. That the kingdom of Ireland, and the affairs thereof, are considered and understood by this house, to be in a most dangerous and desperate condition, and that the speedy relief and reducement of that kingdom is a matter of great importance for the safety, honour, and good of his majesty and his kingdoms; and that the raising, arming, and sending of forces for that service, will be necessary for the same purpose. That the speedy providing of money for the payment of the army intended for Ireland, is a matter of present and absolute necessity for the service of that kingdom, and the safety of this kingdom of England. That his majesty's constant favour in granting subsidies, hath been such, and the necessities of his own kingdom of England, and of his kingdom of Ireland, are such, as that this house cannot find out any fit way to propose to his majesty for raising money for the said services, but only by desiring his majesty to recommend to his two houses of parliament some way how the same may be raised. That the house will forthwith apply themselves to find out some way for raising money for the said services, which may be most safe and easy to his majesty and his people. That the house will speedily take into consideration the state of the navy, and the defence of the seas, and will apply themselves to find out such ways and means for the speedy and effectual securing thereof, as may be most safe and easy to his majesty and his people. That the house will likewise forthwith take into consideration the present state of the kingdom of Scotland, and the affairs thereof, and will apply themselves to find out such ways and means for the settling and securing of that kingdom, as may be most safe and easy to his majesty and his people. That the house will likewise forthwith take into consideration the present state of the kingdom of England, and the affairs thereof, and will apply themselves to find out such ways and means for the settling and securing of that kingdom, as may be most safe and easy to his majesty and his people. That the house will likewise forthwith take into consideration the present state of the kingdom of Ireland, and the affairs thereof, and will apply themselves to find out such ways and means for the settling and securing of that kingdom, as may be most safe and easy to his majesty and his people. That the house will likewise forthwith take into consideration the present state of the kingdom of Scotland, and the affairs thereof, and will apply themselves to find out such ways and means for the settling and securing of that kingdom, as may be most safe and easy to his majesty and his people. That the house will likewise forthwith take into consideration the present state of the kingdom of England, and the affairs thereof, and will apply themselves to find out such ways and means for the settling and securing of that kingdom, as may be most safe and easy to his majesty and his people. That the house will likewise forthwith take into consideration the present state of the kingdom of Ireland, and the affairs thereof, and will apply themselves to find out such ways and means for the settling and securing of that kingdom, as may be most safe and easy to his majesty and his people.

[illegible] Lords [illegible] Bath, Southampton, Chesterfield, Newport, Denbigh, Dunsmore, and Capel. That the lords and commons, [illegible] apprehending the [illegible] and being sensible of their own duty to [illegible] a suitable precaution, have most humbly addressed themselves to his majesty, to the ordering and disposing of the Militia of the kingdom, in such a way as was agreed upon by the wisdom of both houses to be the most effectual and proper for the present exigence of the kingdom, yet could not obtain it, but his majesty did several times refuse his royal assent thereto." Agreed to by the lords. 3. "That in case of extreme danger, and of his majesty's refusal, the Ordinance agreed on by both houses, for the Militia, doth oblige the people, and ought to be obeyed by the fundamental laws of this kingdom." The question was put, Whether the Judges should be heard, in point of law, as to this vote? It passed in the negative; and, upon another question, the said vote was also agreed to. A Protest was entered, in form, against the third vote, and against the Resolution for not consulting the [illegible], but as it does no more than repeat two questions, and the reasons dissent from them, we pass it over. The lord Lovelace is the only additional name to the last mentioned [illegible] entered, upon the question, but these shall be the Head of a Declaration." Agreed to. 5. "Resolved, That such persons as shall be nominated Deputy lieutenants, and approved of by both houses, shall receive the commands of both houses, to execute their offices." Agreed to, the lords Salisbury and Dunsmore only dissenting.—Ordered, That these Votes of both houses should be printed, and a committee next day to meet, and draw up a Declaration upon them."

The Commons Answer to the King's Reply about Mr Pym's Speech. This day Sir Wm. Lewis reported the Commons Answer to the king's reply, concerning Mr Pym's Speech relating to persons passed over Ireland, which was agreed to, and order'd to be sent to his majesty, by [illegible] and Mr Bayntun, [illegible]

"May it please your most excellent majesty, Your majesty's most humble and faithful subjects the knights, citizens and burgesses of the commons house of parliament, have diligently and carefully considered your majesty's answer to their petition and remonstrance, and do find that your majesty is graciously pleased to [illegible] to your people, with [illegible] and to [illegible] your majesty's [illegible] and [illegible] and [illegible] and

chuse but be very sensible of whatsoever gave liberty or opportunity to such a passage, as of a very hurtful and dangerous grievance; for prevention whereof they did, upon the 7th of Nov. agree upon an Order, and restrain all passage into Ireland, but upon due and strict examination, by such persons as were trusted to make those licences.—A second Ground that the other licence, granted to the lord Delvin, and then acknowledged by your majesty's Answer, was such, (both in regard of the persons to whom they were granted, and the extent of the words in which they were granted) as were apt to produce such an effect as is mentioned in that positive affirmation; that is, To open a way for the passage of Papists and other dangerous persons to join with the rebels, and to be heads and commanders amongst them, as thus proved. The first warrant granted to colonel Butler (since the Order of restraint by both houses of parliament) did extend to all ports of England and Scotland; and did give free passage to himself and to his company, without any qualification of persons, or limitation of number; and this colonel was himself a Papist, had a brother in the rebellion, and general of the rebels in Munster; was expected, and very much desired, by those rebels, who, for a long time, had kept a regiment to be commanded by him, as we have been credibly informed. The second was granted to a son of the lord Nettersfield, which lord had 4 sons in England since the rebellion, one of which is settled in England, three others intended to pass into Ireland, and were all dangerous persons, being Papists, bred in the wars in the service of the king of Spain, and one of them lately become a Jesuit. The third, to the lord Delvin, extends to himself and 4 persons more unnamed; that one of those, who should have past with him, is taken to be a Jesuit; and another, who calls himself Plunckett, seems to be a man of some breeding and quality, and like to have been serviceable to the rebels, and to have done mischief, if he had gone over. The fourth to sir Geo. Hamilton and three more unnamed, this gentleman is likewise a professed Papist, and may be doubted to be of the party of the rebels; one of that name being mentioned in the instructions of Semple, the Jesuit, amongst divers other dangerous persons of the Popish party in Scotland and Ireland; which instructions were found in a ship stayed in Cornwall, which was going into Ireland with divers Jesuits, soldiers and others, for the encouragement of the rebels.—A third Ground is this, That, by virtue and authority of these licences, several persons have passed over, which now are in actual rebellion; and have command amongst the rebels; which is thus proved: One captain Sutton did, by virtue and authority of your majesty's licence, embark at Whitehaven, in the company of colonel Butler, and was driven back by foul weather; whereupon the colonel stayed, and went to Chester, but that captain re-embarked himself in the same boat and so went whereto he passed into Ireland, where he went into the rebellion with the lord Dunsany; and hath since obtained the place of a colonel amongst the rebels, as we are credibly informed. Two of the sons of the lord Nettersfield, one a Jesuit, and the other a soldier, passed into Ireland, in Dec. last; both of them by virtue of your majesty's warrant, as we have cause to believe, for that they went both together in one ship, and the licence, acknowledged to be granted by your warrant, must needs be granted to one of them; seeing the other brother, who lately endeavoured to pass over, did produce no licence, and upon his examination doth absolutely deny that he had any.—A fourth Ground, which we humbly offer to your majesty, is this, That your maj. cannot be assured that no other did pass upon your licence, as your maj. doth conceive, and are pleased to express in your Answer; and that we had great cause to believe that divers others had passed over by your warrants, besides the persons aforementioned; and that for these reasons. 1 Because we received such a general information, That divers, now in the head of the rebels, were passed by your majesty's licence; which being true in part, and easy to be effected, in regard of the nature and extent of the warrants; and probable to be attempted, in regard of the subtilty and vigilancy of that party to make use of all advantages, seemed to deserve credit; which we should not have given to it, if it had been a naked information without such circumstances. 2 Because we had concurring advertisements from Ireland and Chester, that divers Priests, Jesuits, and Popish commanders had passed over, and were landed there; and particularly some of colonel Butler's company; and that the officers of the ports had kept no entry of the names of these persons, or of the warrants by which they were transported.—These, we hope, will be sufficient to persuade your maj. to believe, That as we had some cause to give credit to the said informations, so we had no intention to make any ill use of them to your majesty's dishonour, but did impute the blame to your ministers, who might have been more careful to have informed your maj. of the quality of those persons named in your licences; and so to have limited them, that they might not have extended to others, as they did, how many and dangerous soever. And they pray your maj. to rest assured, That they shall always be tender of your honour and reputation with your good subjects, and, for this cause, have made this true Declaration of the full state of this matter, that they may think no otherwise of it than the truth, and, in all things, shall labour to establish a good understanding and confidence betwixt your maj. and your people; which they heartily desire and pray for, as the chiefest means of preserving the honour, safety, and prosperity of your majesty, and your kingdom."

The King's Message from Huntingdon, relating to Ireland, the Militia, &c.] March

16. This day the lord keeper delivered to the house a Letter, directed to himself, and a Message in it, from the king to the lords, dated from Huntingdon, March 15, which was read in hæc verba

"His majesty being now in his remove to his city of York, where he intends to make his residence for some time, thinks fit to send this Message to both houses of parliament: That he doth very earnestly desire that they will use all possible industry in expediting the business of Ireland, in which they shall find so cheerful a concurrence by his majesty, that no inconvenience shall happen to that service by his absence, he having all that passion for the reducing of that kingdom, which he hath expressed in his former Messages, and being unable, by words, to manifest more affection to it, than he hath endeavoured to do by those Messages, having likewise done all such acts as he hath been moved unto by his parliament. Therefore, if the misfortunes and calamities of his poor Protestant subjects there shall grow upon them, (though his majesty shall be deeply concerned in, and sensible of, their sufferings) he shall wash his hands before all the world, from the least imputation of slackness in that most necessary and pious work.—And that his maj. may leave no way unattempted, which may beget a good understanding between him and his parliament; he thinks it necessary to declare, That as he hath been so tender of the privileges of parliament, that he hath been ready and forward to retract any act of his own, which he hath been informed hath trenched upon their privileges; so he expects an equal tenderness in them of his majesty's known and unquestionable privileges, which are the privileges of the kingdom, amongst which, he is assured, it is a fundamental one, That his subjects cannot be obliged to obey any act, order, or injunctions, to which his maj. hath not given his consent: and therefore he thinks it necessary to publish, That he expects, and hereby requires, obedience, from all his loving subjects, to the laws established, and that they presume not, upon any pretence of order or Ordinance to which his maj. is no party, concerning the Militia, or any other thing, to do or execute what is not warranted by those laws; his maj. being resolved to observe all the laws himself, and to require obedience to them from all his subjects.—And his maj. once more recommends to his parliament the substance of his Message of the 20th of Jan. last, That they compose and digest, with all speed, such acts, as they shall think fit, for the present and future establishment of their privileges; the free and quiet enjoying their estates and fortunes; the liberties of their persons; the security of the true religion now professed in the church of England, the maintaining his majesty's regal and just authority, and settling his revenue. His maj. being most desirous to take all fitting and just ways, which may beget a happy understanding between him and parliament, in which he conceives his greatest power and riches doth consist."

Conference held thereupon.] The lords, taking this Message into consideration, ordered, That it should be communicated to the commons at a conference, which being done accordingly, Mr. Denzil Hollis made the following report: "That the lord Roberts, who was appointed by the lords for that purpose, said, That he was commanded, by the lords, to deliver what is their sense of this Message; and to represent their observations: 1. Concerning the Militia, the lords still rely upon the Declaration of both houses notwithstanding any thing expressed in this Message. 2. The lords made some observations out of the matter of the Message, and out of the circumstances of time and place: 1. For the king's Removal, for so far as York, from the parliament; and though at many times that should happen chiefly to the kingdom of Ireland, by reason of his absence, the lords taking it into consideration, do conceive his majesty's removing so far as York, most of necessity, be an obstruction, and may be of great consequence to that kingdom. The next particular of the Message, concerning the Privilege of Parliament, and the Laws of the Land, the lords are of opinion, That when the parliament, which is the supreme court of this kingdom, shall declare what the law of the land is, to have it not only questioned and controverted, but contradicted, and a command that it should not be obeyed, is a breach of the privilege of parliament.—The next observation they had, was, from the time, and place for by comparing this with the votes that passed both houses yesterday, it is, as it were, a contradiction of those votes. They do either think there was some prophetical spirit in it, that this should be so express an Answer to those votes, or that it is a strained accord and therefore desire, that it may be referred to a committee to examine the same."

Soon after the lords sent for Francis Taylor, the messenger, and asked him of whom he had the letter he brought from the king; he said, he had the letter from a servant of the lord Falkland's, secretary of state, last night, at 9 o'clock, and he brought it and delivered it to the lord keeper.

Then the bill 'For clearing the lord Kimbolton and the 5 Members from a feigned Charge of High Treason,' also another bill 'For raising Money for the great Affairs of the Kingdoms of England and Ireland, was read a third time by the lords, and passed. Ordered, 'That the clerk of the crown, in Chancery, do forthwith draw up two commissions, and pre-

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pare them ready for the great seal, for his majesty's royal assent to be given to these two bills.

Votes of the Commons in consequence thereof.] March 17. The commissioners gave Mr. Speaker the lords, by Mr. Denzil Hollis, That they had taken into serious consideration the conference of the last conference, and the king's late Message, That they had also passed some votes concerning their sense of the same, to which they desired their lordships concurrence, viz. "Resolved, 1. That this house shall insist upon their former votes concerning the Militia. 2. That the king's absence, so far remote from his parliament, is not only an obstruction, but may be a destruction, to the affairs of Ireland. 3. That when the lords and commons in parliament, which is the supreme court of judicature to the kingdom, shall declare what the law of the land is, to have this not only questioned and controverted, but contradicted, and a command that it should not be obeyed, is a high breach of the privilege of parliament. 4. That a committee shall be appointed by this house to join with a committee of the lords, to inquire where this Message was framed. 5. That those persons that advised his maj. to absent himself from the parliament, are enemies to the peace of this kingdom, and justly to be suspected to be favourers of the rebellion in Ireland. 6. That those persons that advised his maj. to this Message are enemies to the peace of this kingdom.—All these Votes were agreed to by the lords.

Conference concerning some Informations touching an Invasion of England, &c.] March 19 p. m. A message was brought up from the commons, desiring a conference about an Answer to the king's last Message from Newmarket; as also, concerning some Informations the commons had received, touching the Affairs of the kingdom. This conference being held, the lord keeper reported back to the lords, to this effect. "That the house of commons had received several Informations from abroad concerning a design to invade England, the letters of which were read, importing, That the lord Digby had got together 30 or 40,000 men, at Elsineur, in Denmark, and a fleet of ships ready to convey them to Hull. This information was given abroad by one James Henley, a master of a ship, who said he was treated with to serve as pilot to this fleet. The next Information was from a Frenchman, who was servant to M. Freese, son to the lord chancellor of Denmark, who said, that he came lately from Denmark, and heard there of levies of men; and at Hamburgh he heard, that those levies were designed for England. The commons offered these concurrent proofs to make the Information more considerable. 1. The endeavours to have put the earl of Newcastle into Hull, and his coming thither under a feigned name. 2. The expressions in lord Digby's letters; and his majesty withdrawing himself into those parts, notwithstanding the advice of his parliament. To this the commons have added another Information they had received concerning a French fleet going for Hull, from another master of a ship, who met them steering that way. These were some materials for the lords, and a further cause for a continuance of their instructions and [illegible] ances, and of pursuing the course already resolved on, for securing the kingdom, and putting the subjects into a posture of defence. It was further desired, that this conference, That a message might be sent to his majesty to mention some things in his late speech to the committee of lords and commons, at Newmarket, which seem to reflect upon the honour of both houses, to intimate to him the contents of those advices received out of Holland; and to renew the desires of both houses; for his majesty's return to his parliament. Also the commons desired their lordships concurrence to the following propositions: 1. "That a command of both houses be sent to Hull, by express, to the Governour there, to suffer no foreign Ships to come into that Harbour, without strict examination, and that he receive no English, or other forces into that town, but such as both houses shall advise or direct him to receive, and keep that town for his majesty's service, and the security of the kingdom. The next proposition related to giving instructions to the lord admiral to take special care to guard the seas; to search all ships passing between Holland and Hull; and to enquire what preparations of land or sea forces are making in Flanders. 3. viz. That the lord lieutenants and high sheriffs of the Northern counties were to be ordered, from both houses, to suppress all forces which shall be raised in those parts without the direction of parliament; and to take special care of Newcastle, Hull, and other towns, on those coasts.—Then was reported a Letter, without a name, dated, Newmarket, March 8, 1641, sent to Mr. Pym, intimating, That the Navy will be treacherous to the parliament; that forces will be sent out of France into Ireland; that Declarations from the king will be printed of the grievances of parliament; and that some of the members of the house of commons betray all their doings, and send the king the heads of their intents and resolutions."

This report being ended, the lords took it into consideration; and, after a serious debate, the commons Answer to the king's last Message was read and agreed to; the earl of Bath, with the lords Mowbray, Grey, Dunsmore and Capel, dissenting.—The first proposition, concerning sir John Hotham's not admitting forces into Hull, was objected to, because of these words, 'Without the advice or direction of both houses of parliament;' and it was resolved to propose that it should run, 'Without the king's authority, signified by both houses of parliament.' The second Proposition was wholly agreed to, and ordered accordingly. To the third, That the lieutenants and sheriffs should take care to suppress insurrections, &c. it was resolved to be put to the commons,

Whether it was not a weakening [illegible] Order of both houses, given to [illegible] suppressing unlawful assemblies. [illegible] have another conference with the [illegible] about these emendations.

The commons sent up, by sir John [illegible] knight, chancellor of the Exchequer, [illegible] of Subsidy of tonnage and poundage, [illegible] merchandize imported or exported; which the lords read a first time.

The same day the king's commission was read for passing a bill, intitled, 'an Act for the speedy and effectual reducing of the rebels in his majesty's kingdom of Ireland;' when, the commons being sent for, the royal assent was given with the usual ceremonies. This act respected the adventurers, in that kingdom, already mentioned.

March 21. This day the conference was held about the late Propositions, when the commons would not agree with the lords in the alteration of that about Bull; but adhered to the first. As to the other about Sheriffs, the commons conceived it was no weakening of their former Order: but to make it clearer, a letter might be writ to that effect to the lord lieutenants and the Sheriffs, upon which the lords agreed to all as they were first proposed.

Resolutions of the Commons against the Bishops.] Mr. Glynn, one of the committee on the bill against the Bishops, made a report of it to the house, on which they came to the following Resolutions. 1. "That upon which shall be put upon every particular Bishop [illegible] that, by this bill the archbishop of York shall not forfeit the inheritance of his temporal estate." The like question was put upon Thomas Bishop of Durham, and so severally on all the rest, and resolved negatively. But, upon the question, Whether the archbishop and the rest, separately, should by that bill, [illegible] the profits and issues of their temporalties, freehold lands, and limits of inheritance during their lives? it was carried in the affirmative. Resolved, That the archbishop of York shall be allowed 100*l.* per annum.

Answer of both Houses to the King's Message from Newmarket. March [illegible] The following Message, to be [illegible] from both houses, was this day read by [illegible] agreed to, and ordered to be presented to the king, by a committee of both houses.

"May it please your majesty, Your majesty's most loyal subjects, the lords and commons in parliament, cannot conceive that the declaration which your majesty received from us at Newmarket, was such as did deserve that censure your maj. was pleased to lay upon us in that Speech which your maj. made to our committees there, and sent in writing to both houses. our Address therein being accompanied with plainness, humility, and faithfulness, we thought more proper for the removing the distraction of the kingdom, than if we had then proceeded according to your majesty's Message of the 20th of January, by which your maj was pleased to desire, That we would declare [illegible]

fact, which, if it had taken effect, would not only have deprived us of the fruit of those bills, but have reduced us to a worse condition of confusion than that wherein the parliament found us.—And if your majesty had asked us the third question intimated in that speech, 'What we have done for yourself? Our Answer would have been much more easy, That we have paid two armies, wherewith the kingdom was burdened last year; and have undergone the charge of the war in Ireland, at this time; when, through many other excessive charges and pressures, your subjects had been exhausted, and the stock of the kingdom very much diminished: Which great mischiefs, and the charges thereupon ensuing, have been occasioned by the evil counsels, so powerful with your majesty, which have, and will, cost this kingdom more than two millions; all which, in justice, ought to have been borne by your majesty. As for the 'free and general Pardon, your majesty hath been pleased to offer,' it can be no security to our fears and jealousies, for which your maj. seems to propound it; because they arise not from any guilt of our own actions, but from the evil designs and attempts of others.—To this our humble Answer to that Speech, we desire to add an Information, which we lately received from the deputy-governor of the merchant-adventurers at Rotterdam, in Holland, That an unknown person, appertaining to the lord Digby, did lately solicit one James Henly, a mariner, to go to Elsineur, and to take charge of a ship in the fleet of the king of Denmark, there prepared, which he should conduct to Hull; in which fleet likewise, he said, a great army was to be transported. And although we are not apt to give credit to informations of this nature, yet we cannot altogether think it fit to be neglected, but that it may justly add somewhat to the weight of our fears and jealousies, considering with what circumstances it is accompanied, of the lord Digby's preceding expressions, in a Letter to her majesty, and sir Lewis Dives; and your majesty's succeeding course of withdrawing yourself Northward from your parliament, in a manner very suitable to, and correspondent with, that evil counsel; which we doubt will make much deeper impression in the generality of your people. And, therefore, we most humbly advise and beseech your majesty for the procuring and settling the confidence, both of your parliament and all your subjects, and for the other reasons concerning the recovery of Ireland and security of this kingdom, which have been formerly presented to your majesty, you will be graciously pleased, with all convenient speed, to return to these parts, and to close with the counsel and desire of your parliament; where you shall find their dutiful affections and endeavours ready to attend your majesty, with such entertainment as shall not only give your maj. just cause of security in their faithfulness, but other manifold evidences of their earnest intentions and endeavours to advance your majesty's honour, safety, and contentment; and to establish it upon the sure foundation of the peace and prosperity of all your kingdoms."

Another Order about Hull, sent up by the commons, was read and agreed to by the lords much to the same purport, but stronger than the former: "The governor, sir John Hotham, was to take care no foreign ships should enter, that port, without strict examination of their strength, burden, &c. No English, or other forces whatsoever, to be suffered to enter, but those already appointed to be the garrison there; and such other as, by the wisdom and authority of both houses of parliament, shall be advised and directed to be received and kept, for the better guard and defence of the town and magazine therein remaining, for his majesty's service and the security of the kingdom. In the doing whereof the mayor of the said town, and all other his majesty's officers and subjects, were commanded to be aiding and assisting to the said governor, as they would answer the contrary at their peril."

The same day the commons sent up to acquaint the lords with a Vote which they had passed, and to which they desired their lordships concurrence, viz "That when the lords and commons in parliament shall declare what the law of land is: To have this not only questioned and controverted, but contradicted, and a command given that it be not obeyed, is a high breach of the privilege of parliament." To this the lords agreed.

The King's Answer to the Commons Reply concerning a Passage in Mr Pym's Speech.] March 24. The lord Compton reported, That, according to the command of the commons, he and Mr. Bayntun did attend his majesty, at York; that they arrived there on Saturday last, and presented his majesty with this Reply of that house, concerning the passage in Mr. Pym's Speech, touching some commanders now in the head of the rebels, &c. and received his majesty's Answer, in writing, on Monday morning; which was read, and was in hæc verba

"His majesty hath seen and considered the Message, presented to him by the lord Compton and Mr. Bayntun, the 19th of March, 1641, at York, touching such persons as have been licenced by his majesty to pass into Ireland. Though he will not insist upon what little reason they had to suspect, that some ill-affected had passed into Ireland, under colour of his majesty's licence, inferences being slender proofs to ground belief upon; yet he must needs avow, that, for any thing that is yet declared, he cannot see any ground, why Mr. Pym should so boldly affirm, before both houses of parliament, 'That, since the stop upon the ports, by both houses, against all Irish Papists, many of the chief commanders now in the head of the rebels, have been suffered to pass, by his majesty's immediate warrant;' for as yet there is not any particular person named, that is now so much as in rebellion, much less in the head of the rebels, to withdraw his maj. hath

given licence: And therefore, according to his majesty's Reply upon that subject, his majesty expects, that his house of commons publish such a Declaration, whereby this mistaking may be cleared, that so all the world may see his majesty's caution in giving of passes, and likewise that his ministers have not abused his majesty's trust, or were corrupted therein. And, lastly, his majesty expects, that henceforth there be more warriness used, before such public aspersions be laid, unless the grounds be before-hand better warranted by sufficient proofs."

The lords had petitioned the king to remove Sir John Pennington from being commander of the fleet, to which he returned this Answer, viz. "That his majesty sees no reason why he should give way to the alteration of him, who was first made choice of by the lord admiral, for that charge, and approved of by himself. Therefore his majesty cannot, in honour and justice, appoint any other for that charge than Sir John Pennington, of whose ability and integrity his majesty hath had so long and good experience."—The earl of Warwick was the person nominated to the king for that trust, by the lords; who, when they received this Message, sent it down to the commons, with a desire that both houses should join in a Petition to the king, That the said earl might be continued in chief, in this summer fleet, and to present what reasons are thought proper for the purpose.

The King's Answer to the Declaration of both Houses concerning Ireland and Jesuits.] The lord keeper acquainted the lords, That he had received two Letters from the king, dated at York, March 21, 10 l, with a Declaration inclosed in one, in Answer to that from parliament, presented, at Newmarket the 9th instant, both which he was commanded to communicate to their lordships. The Declaration was in these words:

"Though the Declaration, lately presented to us at Newmarket, from both our houses of parliament, be of so strange a nature, in respect of what we expected, after so many acts of grace and favour to our people, and such expressions in it so different in the usual language to princes, that we might well take a very long time to consider it, yet the clearness and uprightness of our conscience to God, and love to our subjects, hath supplied us with a speedy Answer; and our unalterable affection to our people prevailed with us to endure that passion, which might well enough be risen in us upon such an invitation.—We have considered our Answer on the 2nd of this instant at Theobalds, which is urged to have given just cause of sorrow to our subjects. Whosoever looks over that Message, (which was in effect to tell us, that if we would not join with them, in an act which we conceived might prove prejudicial and dangerous to us and the whole kingdom, they would make a law without us, and impose it upon our people) will not think that sudden Answer can be excepted to.—We have little encouragement to Replies of this nature, when we are told of how little value our words are like to be with you, though they come accompanied with all the actions of love and justice, (where there is room for actions to accompany them) yet we cannot but disavow the having any such evil counsel or counsellors about us, as are [illegible] and if we should be discovered, we will leave them to the censure and judgment of our parliament in the mean time we could wish, than our own immediate actions which we know, into our own bosom, might not be so readily censured and grounded under that unjust style of evil counsellors.—For our faithful and real intention to the true Protestant profession, and our resolution to concur with our parliament in any possible course for the propagation of it and suppression of Popery, we can say no more than we have already declared in our Declaration to all our loving subjects, published in Jan last, by the advice of our parliament, in which we endeavoured to make as clear a confession of ourself, in this point, as we were able, being most assured that the constant practice of our whole life is a sufficient warrant to it; and if [illegible] did rather expect a testimony and acknowledgment of the care we have had of it, than those expressions of mistrust in us, which are contained in any the late printed Declarations, or any the like printed or written in this kingdom. And we [illegible] reflect of our evil, and that it is judgments of Heaven and [illegible] upon those who have, or had, [illegible]—As for the Scots troubles, we had with those troubles unhappy differences [illegible] unstopped up in perfect quiet since, and then a solemn act, which being solemnly passed in the parliaments of both kingdoms, stops our mouth from any further Reply, than to shew our great dislike to revive the memory [illegible] which is in Ireland, so odious to all Christians, as not to be named in one and the other England, or Scotland [illegible] rather that we, we conjure all [illegible] houses of parliament and all our loving subjects whatsoever, to use all possible means to discover and find out any, that we may join in the most exemplary vengeance upon them that can be imagined: but we must think our [illegible] highly and unkindly injured in our person, by any Declaration, action, or expression of the Irish rebels, or [illegible] from count Rosetti to the Papists for [illegible] suffering: or from Trissino [illegible] strong speeches uttered in Ireland [illegible] to any colour or misapprehension of us in point of our justice, piety and affection [illegible] to all understandings, that those miserable vows and wicked rebels are not so capable of great advantage, as by [illegible] those discourses so far behind, as [illegible] and jealousies, to the distraction of the kingdom, the only way to their security. And we cannot express a deeper sense of the suffering of our poor Protestant subjects in that kingdom, than we have done

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in our often Messages to both houses, by which we have offered and are still ready to venture, our royal person for their redemption; well knowing, that as we are, in our own interest, more concerned in them, so we are to make a strict account to Almighty God for any neglect of our duty for their preservation.—For the manifold attempts to provoke our late army, and the army of the Scots, and to raise a faction in the city of London, and other parts of the kingdom; if it be said as relating to us, we cannot, without great indignation, suffer ourself to be reproached, to have intended the least force or threatening to our parliament, as the being privy to the bringing up of the army would imply whereas we call God to witness, we never had any such thought, or knew of any such resolution concerning our late army.—For the Petition shewed to us by captain Legge; we well remember the same, and the occasion of that contrivance: captain Legge being lately come out of the North, and repairing to us at Whitehall, we asked him of the state of our army, and, after some relation made of it, he told us, That the commanders and officers of the army had a mind to petition the parliament, as others of our people had done, and shewed us the copy of a Petition, which we read, and, finding it to be very humble, (desiring the parliament might receive no interruption in the reformation of the church and state, to the model of queen Elizabeth's days) we told him, We saw no harm in it: whereupon he replied, That he believed all the officers of the army would like it, only he thought sir Jacob Ashley would be unwilling to sign it, out of fear that it might displease us. We then read the Petition over again; and then observing nothing, in matter or form, we conceived could possibly give just cause of offence, we delivered it to him again, bidding him give it to sir Jacob Ashley, for whose satisfaction we had written C. R. upon it, to testify our approbation, and we wish that Petition may be seen and published, and then we believe it will appear no dangerous one, nor a just ground for the least jealousy or misapprehension.—For Mr Jermyn, it is well known that he was gone from Whitehall before we received the desire of both houses for the restraint of our servants, neither returned he thither, or passed over by any warrant granted by us after that time.—For the Breach of Privilege in the accusation of the lord Kimbolton and the 5 members of the house of commons, we thought we had given so ample satisfaction in our several Messages to that purpose, that it should be no more pressed against us; being confident that if the breach of privilege had been greater than hath been ever before offered, our acknowledgement and retractation hath been greater than ever king hath given, besides the not examining how many of our privileges have been invaded in defence and vindication of the other, and therefore we hoped our true and earnest protestation, in our Answer to your Order concerning the Militia, would so far have satisfied you of our intentions then, that you would no more have entertained any imagination of any other design than we then expressed.—But why the listing of so many officers, and entertaining them at Whitehall, should be misconstrued, we much marvel; when it is notoriously known the tumults at Westminster were so great, and their demeanours so scandalous and seditious, that we had good cause to suppose our own person, and those of our wife and children to be in apparent danger, and therefore we had great reason to appoint a guard about us, and to accept the dutiful tender of the service of any of our loving subjects; which was all we did to the gentlemen of the Inns of Court.—For the lord Digby, we assure you, on the word of a king, that he had our warrant to pass the seas, and had left our court, before we ever heard of the Vote of the house of commons, or had any cause to imagine that his absence would have been excepted against.—What your advertisements are from Rome, Venice, Paris, and other parts, or what the Pope's Nuncio solicits the kings of France or Spain to do, or from what persons such informations come to you, or how the credit and reputation of such persons have been sifted and examined, we know not, but are confident no sober honest man in our kingdoms can believe, that we are so desperate in so senseless to entertain such designs as would not only hurry this our kingdom in sudden destruction and ruin, but our own name and posterity in perpetual scorn and infamy and therefore we could have wished that, in matters of so high and tender a nature, (wherewith the minds of our good subjects must needs be startled) all the expressions were so plain and easy, that nothing might stick with them with reflection upon us, since you thought fit to publish it to all.—And having now dealt thus plainly and freely with you, by way of Answer to the particular Grounds of your Fears; we hope, upon due consideration and weighing both together, you will not find the grounds to be at that moment to beget, or longer to continue, a misunderstanding betwixt us; or force you to apply yourselves to the use of any other power than what the law hath given you; the which we always intend shall be the measure of our own power, and expect it shall be the rule of our subjects obedience.—Concerning our Fears and Jealousies, as we had no intention of accusing you, as are we sure no words spoken by us, on the sudden, at Theobald's, will bear that interpretation 'We said, 'For our residence near you, we wished it might be so safe and honourable, that we had no cause to absent ourself from Whitehall,' and how this can be a breach of privilege of parliament we cannot understand. We explained our meaning in our Answer at Newmarket, at the presentation of this Declaration, concerning the printed seditious pamphlets and sermons, and the great tumults at Westminster: and we must appeal to you and all the world, whether we might not justly suppose ourself in danger

of either. And if we were now at Whitehall, what security have we that the like shall not be again; especially if any delinquents of that nature have been apprehended by the ministers of justice, and been rescued by the people, and so as yet escape unpunished? If you have not been informed of the seditious words used, and the circumstances of those tumults, and will appoint some way for the examination of them, we will require some of our learned counsel to attend with such evidence as may satisfy you; and till that be done, or some other course taken for our security, you cannot, with reason, wonder that we intend not to be where we most desire to be.—And can there yet want evidence of our hearty and unfortunate desire to join with our parliament, and all our faithful subjects, in defence of the religion and public good of the kingdom? Have we given you no other earnest but words, to secure you of those desires? The very Remonstrance of the house of commons, published in Dec. last, of the State of the kingdom, allows us a more real testimony of our good intentions than words: that Remonstrance valued our acts of grace and justice at so high a rate, that it declared the kingdom to be then in peace, though it had charged itself by billsof Subsidies and Poll-Money, with the less of 900,000*l.* besides the contracting of a Debt to our loyal subjects of 200,000*l.*: Are the bills for the Triennial Parliament; for relinquishing the title of imposing upon Merchandize, and Power of pressing of Soldiers; for taking away the Star-Chamber and High-Commission Courts, and for regulating the Council Table, [illegible] words? Are the bills for the [illegible] Courts, the Clerk of the [illegible] the taking away the Votes [illegible] of the lords house, [illegible] greater earnest of our trust [illegible] parliament could, or can [illegible] passing the bill for the [illegible] present Parliament? the [illegible] hope, will for ever after [illegible] and the continuation of this kind [illegible] our subjects so much to [illegible] as to esteem [illegible] to do, which [illegible] power to do? [illegible] these, and many other [illegible] part, that we might be secure [illegible] clination betimes as [illegible] have offered, and are still ready [illegible] and general Pardon, as [illegible] shall think fit. Now, it [illegible] pressions of the affection [illegible] public good of our kingdom, [illegible] that we want skill to manifest [illegible] clude, (although we think our [illegible] fall in that point) concerning [illegible] London we are willing to declare [illegible] look upon it as a matter of [illegible] with reference to the affairs of [illegible] and to our own inclination and desires, [illegible] all we can say or do, can raise a mutual confidence, (the only way, with God's blessing, to make us all happy) and, by your encouragement, the laws of the land, and the government of the city of London, may recover some hits for our security, we will overtake your desires, and be as soon with you as you can wish. And, in the mean time, you may be sure, that neither the business of Ireland, or any other advantage for this kingdom, shall suffer through our default, or by our absence, we being so far from repenting the acts of our justice and grace, which we have already performed to our people, that we shall, with the same alacrity, be still ready to add such new ones, as may best advance the peace, honour, and prosperity of the nation."

The King's Objections to passing the Bill for raising Lord Kimbolton, &c.] The other Letter to the lord keeper was as follows:

"C R Right trusty and well-beloved councellor, we greet you well. We have signed a commission for giving our royal assent for passing the bill for raising 400,000*l.* for the necessary Defence of our kingdom of Ireland. As for the other bill sent unto us, intituled, An Act for securing and vindicating of the Lord Kimbolton, Mr Hollis, &c. albeit we are [illegible] pass an act for the clearing of them all, according to our gracious promise; yet we cannot by that promise, nor otherwise, think it fit to any imputation on ourself, or us [illegible] words that may reflect upon our honour. Wherefore our command is, that [illegible] in our parliament, That if they will [illegible] for the freeing and clearing [illegible] Kimbolton and the rest, in such [illegible] as may be strong for them, [illegible] upon us, we will readily give [illegible] Given at our Court [illegible] of March, in the 17th year [illegible]

[illegible] that this House shall take into [illegible] Majesty's Answer is not a [illegible] privilege of parliament. And [illegible] members from the king shall [illegible] the lords or commons, at [illegible]" But at the very same time [illegible] upon message from the commons, desiring [illegible] about the same things; which was granted, and appointed for that afternoon.

Information received by the [illegible] The lord of Northumberland [illegible] acquainted the lords, that he had [illegible] information from sir [illegible] Governour of the Isle of Wight, [illegible] in Normandy and Britany, to [illegible] of 2000 men, that they were designed [illegible] Guernsey and Jersey, [illegible] England: and that there was in France a secret intent to break the [illegible] between the two kingdoms." Ordered, "That the information should be sent to the [illegible] to desire that house to give a [illegible] setting forth this summer's fleet; and that both houses may join in [illegible] Petition to the king, to make the earl of Warwick commander of it."

This day an act 'For raising of 400,000*l.* for the necessary Defence and great Affairs of this kingdom and Ireland, and for the Payment of Debts undertaken by Parliament,' was passed, by commission, with the usual ceremonies.

The Lords refuse to let the Earl of Essex, &c. wait on the King at York.] March 28. The earl of Essex, lord chamberlain, and the earl of Holland, groom of the stole, exhibited Letters from the king, commanding them to appear at York, to attend St George's Feast there, (they being knights of the garter) which the king intended to hold in that city. The like letters the earl of Salisbury and the lord Savile shewed; which being taken into consideration, as a matter of great importance, it was resolved, upon the question, "That the said lords should not have leave to go, but attend the business of that house, in regard that great and weighty affairs of the kingdom were then in agitation."

Conference concerning an intended Petition from Kent.] A conference was held this day between the two houses, when the commons informed the lords, That a Petition had been framed in Kent, and intended to be delivered to Parliament, which was of dangerous consequence. This was on the information of one Francis Jones, who averred, That the Petition was produced and read at the assizes at Maidstone, the 25th of March last, and consisted to the best of his memory, of these particulars: "That the government of Bishops might still remain, they being an antient as Christianity in England: that the Liturgy and Common Prayer might still remain: that such might be punished who either observed the oaths from it, or spoke against it, and that all ministers and people might be brought into an uniformity: that no Order should issue out of either house, to oblige the people unless it was an act of parliament: that no Order should issue concerning the Militia, from either house, without the king's hand to it: that they would presently apply themselves to his majesty's Message of the 20th of Jan. last: that they would establish the civil law, that they who were civil lawyers might not lose their studies: that they would speedily relieve their brethren in Ireland: that they would be pleased to establish the privilege of parliament, and the king's regal power. Lastly, That sir Edw. Dering pressed, with great earnestness, to have a copy of this Petition sent to the king, but, as he thought, it was denied."

The commons further informed the lords, that they found sir Edw. Dering, sir Roger Twisdell, sir Geo Strode, and Mr. R. Spencer, had been active men in contriving and presenting this Petition; they therefore desired the said gentlemen might be sent for, as delinquents; which was accordingly ordered by the lords, and a select committee, of both houses, appointed to examine this business to the bottom.

Petition to the King that the E. of Warwick may command the Fleet.] March 28. p. m. The commons sent up the following draught of a Petition to the king, for constituting the earl of Warwick lord high admiral:

"The lords and commons, in this present parliament assembled, having found it necessary to provide and set to sea a strong and powerful Navy, for the defence of this kingdom against foreign force, and for the security of your majesty's other dominions, the charge whereof is to be borne by the commonwealth; and taking notice of the misposition of the lord admiral, which disables him, at this time, from commanding the fleet in his own person, did thereupon recommend unto his lordship the earl of Warwick, a person of such ability and quality, as in whom they might best confide, to supply his room for this employment. And understanding that your maj. hath since signified your pleasure concerning that command for sir John Pennington, we do hold it our duty to represent unto your maj. the great danger and mischief the commonwealth is like to sustain by such interruption; and therefore humbly beseech your majesty, that the noble person, recommended by both houses for this service, may no longer be detained from it, out of any particular respect to any other person whatsoever"—The lords agreed to this Petition.

The Earl of Bristol and Judge Mallet examined touching the Kentish Petition, and committed to the Tower.] A copy of the Kentish Petition was produced in the house of lords by the earl of Bristol, who said he had it delivered to him by Judge Mallet. The having read, which was no more than an enlargement on the foregoing heads, the earl was asked, Whether he had taken a copy of this Petition? who answering, Yes, he was commanded to withdraw. Then Mr. Justice Mallet was examined, who said, "That he had the Petition from sir Geo. Strode, and that he shewed it to the earl of Bristol, who took a copy of the same." Hereupon the lords taking this affair into consideration, conceived that if judge Mallet committed a great offence, contrary to his duty, as judge of the assize, and as an assistant to this house, in not revealing the Petition to them till he was forced to it. And, after a long debate, the question was put, Whether there were not some words, in this petition, scandalous, dangerous, and tending to sedition? it passed in the affirmative. Likewise the earl of Bristol, because he had this Petition delivered to him, being of so dangerous a consequence, and took a copy of it without doing his duty in acquainting the house of lords therewith, was committed to the Tower, for the present, until this business should be further examined. The earls of Bath, Dover, Portland, Monmouth, with the lords Mowbray, Grey, Howard, and Capel, dissenting. Judge Mallet, also, underwent the same sentence.

March 29. A Message from the king to the lords was read, importing only his desire that the earl of Leicester, lord lieut of Ireland, should be sent over immediately, to that

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kingdom, in order to comfort and encourage his good subjects there, on their late success, and strike the more terror into the rebels, &c. which, after a conference with both houses, was denied.

The lord Seymour having been sent to by the king, as a knight of the garter, to attend the king at York, on St George's feast, and he coming forward on former leave of attendance from the house, a post was sent after him, with an order to bring him back. The gentleman usher of the black rod, having received the like summons, the lords ordered, That he should attend his charge and duty at the house, according to his place.

Bill of Tonnage and Poundage passed.] This day the bill of Subsidy of Tonnage and Poundage, &c. was passed by commission, and was the last of that kind the king ever had granted. Some reasons were likewise drawn up and agreed to be sent to the king, for not permitting his great officers of state, and privy councellors, to attend him at York.

Impeachment of George Benyon for entertaining a Petition against the Commission for the Militia, &c.] March 31. This day at a conference, the commons exhibited the following Articles of Impeachment against George Benyon, citizen of London, for several High Crimes and Misdemeanors:

"That he, the said George Benyon, being a man of power and credit in the city, and knowing the present distractions and troubles of the times, had endeavoured to raise a misunderstanding between the king and his people, and between the parliament and the city, by wickedly and unnaturally contriving and framing a false, dangerous, and seditious Petition in behalf of himself and others, and presented to both houses of parliament. 2. That the said Benyon, by false and corrupt persuasions, procured divers persons to subscribe their hands to the said petition, and to their intent and purpose aforesaid. 3. That the said Benyon, by the like means, procured divers bold and irreverent speeches, in contempt of the proceedings in parliament, and the peers there assembled, saying, by God, that he would have the protections pass, or there should not be a penny lent to parliament, and that he would every great in the Chamber of London pull down the privileges of the peers, and make them honest, that they might be liable to arrests as the noblemen of France, Spain, Poland and other foreign countries were; and that he had computed the debts of the lords, and that they owed more than would arise on the greatest trade of the whole kingdom, &c. That, speaking of the parliament, he did falsely and maliciously say, That they much complained of the king's authority and power, and yet they went about to set up an arbitrary government themselves; and they, being 400 in number, would be more grievous than one absolute monarch. All which matters and things were committed by the said Benyon, &c."

This is the substance of the Charge against Mr Benyon. The Petition itself was as follows:

To the Rt. Hon the Lords and [illegible] assembled in Parliament, The Humble Petition of the Citizens of London, whose names are underwritten,

"Sheweth, That the city of London hath, time out of mind, enjoyed the nomination of their own arms, which hath ever been presented to the magnanimity of the king's majesty, the lord mayor having always been a person of worth and quality, and of their own choice, and hath ever advised with the court of Aldermen in the execution thereof: so that if the king should be offered one of less worth, it is humbly conceived it would not only be a personal dishonour to the lord mayor, but also reflect upon the government and customs of the city of London, granted to the citizens by the great charter of England, and confirmed by divers acts and statutes of this realm, and which your petitioners, by the oath of his freedom, is bound to maintain to the uttermost of his power. This honourable assembly may be pleased to take into consideration, that an innovation in the ancient government of this renowned city, may produce great inconveniencies, than, for the present, can be foreseen; the future can be amended by Your Lordships' humble desire is, That [illegible] hath by experience, been found for the honour of his majesty, the good of this and the whole kingdom; and that no precedent of this nature, that hath been introduced and untouched by strangers, [illegible] in the whole world, that the [illegible] And they shall pray &c.

This petition being read, the Charge was [illegible] by observing that the [illegible] and that upon the [illegible] Monday and Tuesday last, which is the very point of time of the [illegible]; that [illegible] was [illegible] month's [illegible], tending to Machiavel's end, *Divide & impera*. To divide between the king and his people, the parliament and [illegible], and the city between both, like a cunning hunter between the hart and the tree. The circumstances and gradations of this offence ascends to a great height, as having reference to the common council, whereto he ought to have submitted, having lived in their votes; but he stands in his own case, and spurns against it. 2. It hath reference to the annihilating and opposing the Ordinance of both houses of parliament, for settling the Militia, the parliament having power of declaring what the law is concerning itself, and

also it lays a great charge upon both houses for arbitrary power, ambition, and injustice, and hath scandalized their members and privileges. 3. Concerning the time when Benyon committed these offences. It was when the kingdom was full of fears, dangers, and distractions; and, taking advantage of this opportunity, he endeavoured to put all into confusion; so as the bark was not to be saved, but by casting anchor and standing together to oppose these mischiefs. He did not only act his part himself, but persuaded others, both at the Exchange and at the scriveners shops, to subscribe the Petition, which was a thing contrary to the opinion of the common council, as being a matter of great presumption, and tending to sedition; for, it is feared, the consequence of this example, will be no occasion of other places following the same steps, whereof some passages have already appeared: therefore the house of commons desire that exemplary punishment may be inflicted on the said Benyon, for these offences, according to justice."

This Report being made of the Charge, it was ordered, 'That the said George Benyon should be brought to the bar to hear it read; which being done, and he asked what Answer he would make to it, he humbly desired he might have time given him to put in his Answer; and, for the enabling him thereto, he desired to have counsel allowed him, and to have a copy of his Charge. All which was granted, and the 4th of April was appointed for his trial.

A Petition from the 12 Bishops, in the Tower, was read, praying the lords, That some speedy order might be taken for their enlargment, upon bail, or otherwise, as their lordships should think fit. Ordered, That this Petition be communicated to the commons, and they to be desired to proceed against the Bishops with all expedition.

The King's Reply to the Parliament's Answer to his Message from Newmarket.] April 1. A conference having been held between both houses yesterday, a report of it was this day made to the lords by the lord keeper; in which he said the commons communicated to them the king's Answer to a late Message from Parliament, of March 22; which he read in these words:

"If you would have had the patience to have expected our Answer to your last Declaration, (which, considering the nature of it hath not been long in coming) we believe you would have saved yourselves the labour of saying much of this Message: and we could wish that our privileges on all parts were so stated, that this way of correspondency might be preserved, with that freedom which hath been used of old; for we must tell you, That if you may ask any think of us by Message or Petition, and in what language, how unusual soever, you think fit: and we must neither deny the thing you ask, nor give our reason why we cannot grant it, without being taxed of breaking your privileges, or being counselled by those who are enemies to the peace of the kingdom, and favourers of the Irish Rebellion, (for we have seen your printed Votes, upon our Message from Huntingdon) you will reduce all our Answers hereafter into a very little room. In plain English, it is to take away the freedom of our vote; which, were we but a subject, were high injustice; but, being your king, we leave all the world to judge what it is.—Is this the way to compose all misunderstandings? We thought we shewed you one by our Message of the 20th of Jan., if you have a better or readier, we shall willingly hearken to it; for hitherto you have shewed us none. But why the refusal to consent to your Order, (which you call a Denial of the Militia) should be any interruption to it, we cannot understand. For the Militia, which we always thought necessary to be settled, we never denied the thing, as we told you in our Answer of the 28th of Feb. to the Petition of the house of commons, for we accepted the persons, except for corporations; we only denied the way. You ask it by way of Ordinance, and with such a preface as we can neither with justice to our honour or our innocence consent to. You exclude us from any power in the disposition or execution of it, together with you, and for a time utterly unlimited we tell you we would have the thing done; allow the persons with that exception; desire a bill, the only good old way of imposing on our subjects. We are extremely unsatisfied what an Ordinance is; but well satisfied, that, without our consent, it is nothing, nor binding. And it is evident, by the long time spent in this argument, the necessity and danger was not so imminent but a bill might have well been prepared; which, if it shall yet be done with that due regard to us, and care of our people, in the limitation of the power and other circumstances, we shall recede from nothing we formerly expressed in that Answer to your Order; otherwise we must declare to all the world, that we are not satisfied with, or shall ever allow our subjects to be bound by your printed Votes of the 15th or 16th of this month; or that, under pretence of declaring what the law of the land is, you shall, without us, make a new law; which is plainly the case of the Militia: and what is this but to introduce an arbitrary way of government?—Concerning Pym's Speech; you will have found by what the lord Compton and Mr. Baynton brought from us in Answer to that Message they brought to us, that, as yet, we rest nothing satisfied in that particular. As for the seditious Sermons and Pamphlets; we are both sorry and ashamed that in so great a variety, and in which our rights, honour, and authority are so insolently slighted and vilified, and in which the dignity and freedom of parliament is so much invaded and violated, it should be asked of us to name any, the mentioning of the Protestation protested; the Appreotices Protestation, To your Tents, O Israel, or any other, would be to great

as to pause for the rest. If you think them not worth your inquiry, we have done. But we think it most strange to be told, That our denial of a guard, which we yet never denied, but granted in another manner, and under a command at that time, most accustomed in the kingdom; or the denial of any thing else, which is in our power legally to deny, is, in our understanding, (to which God has surely given us some use) not fit to be granted, should be any excuse for so dangerous a concourse of people; which not only in our apprehension, but, we believe, in the interpretation of law itself, hath been and must be tumultuous and seditious. And we must wonder what and whence come the instructions and informations that those people have, who can so easily think themselves obliged by the Protestation, to assemble in such a manner, for the defence of privileges, which cannot be so clearly known to any of them, and so negligently pass over the considerable and late force of our rights, so beneficial and necessary for themselves and scarce unknown to any of them; which by their oaths of allegiance and supremacy, and even by the same Protestation, they are at least equally obliged to defend. And what interruption such kind of assemblies may be to the freedom of future parliaments, if not seasonably discountenanced and suppressed, we must advise you to consider, as likewise whether both our powers may not, by such means, be usurped by hands not trusted by the constitution of this kingdom. —For our Guard, we refer you to our Answer to your Declaration. Be that question of violating your laws, to which we endeavoured to express in our resolution to observe them, we did not expect you would have been minded to have urged it these many years, for which you have had so ample reparation; neither looked we to be reproached with the actions of our ministers, then against the laws, whilst we express so great a zeal for the present execution of them, it being our resolution, upon due information of the mischief which then grew by arbitrary power (though made plausible unto us by the suggestions of necessity and a pretended danger), and that you heed ye fall into the same error, upon the same suggestions how near to keep the rule ourself, and, to our power, require the same from all others. But, admit all, we must be most sensible of what you cast upon us for a spirit of these good bills to a cunning delay. We have denied any such design, and as God Almighty must judge in that point between us who knows our upright intentions at the passing those laws; so, in the mean time, we defy the Devil to prove that there was any design, with our knowledge or privity, in or about the time of passing those bills, that had it taken effect, could have deprived our subjects of the fruit of them: and, therefore, we demand full reparation in this point, that we may be cleared in the sight of all the world, and chiefly in the eyes of our loving subjects, from so notorious and false an imputation as this is.—

We are far from denying what you have done; for we acknowledge the charge our people have sustained in keeping the two armies, and in relieving Ireland: of the which we are so sensible, that in regard of those great burdens our people have undergone, we have and do patiently suffer those extreme personal wants, which our predecessors have been seldom put to, rather than we would press upon them; which we hope, in time, will be considered on your parts.—In our offer of a general Pardon, our intent was to compass and secure the general condition of our subjects, concerning that in these times of great distractions, the good laws of the land have not been enough observed: but it is no magic to hold, when prince's proffered favours are counted reproaches, yet if you like not this our offer, we have done.—Concerning any Discourses of foreign Forces; though we have given you a full Answer in ours to the last Declaration, yet we must tell you, we come neither so ill an opinion of our own merit, or the affections of our good subjects, as to think ourself in need of any foreign force to preserve us from oppression, and we shall not need for any other purpose; but are confident, through God's providence, not to want the good wishes and assistance of the whole kingdom, being resolved to build upon that sure foundation, the Law of the Land. And to talk openly of that any general discourses between an unknown person and a mariner, or mariners upon letters, should be able to prejudge matters so impossible in themselves, and so ominous to us, for which we cannot but have just reparation, not only for the honour of our own honour, but as thereby to set to the minds of our subjects, whose fears and jealousies God in mercy vanish, were they not kindled and maintained by such false and malicious rumours as these. To our Return to our Parliament, we have given you a full Answer in those of your Declaration, and you ought to look on us as not gone, but driven from you by evil instruments, and if it be not so easy for you to make our residence in London such as we could desire, we are, and will be, resolved that our parliament be continued to such a place where we may be fully and more with it, though we are not pleased to be at so great a distance, yet we are not to expect one presence, until ye shall both send us assurance of your just apprehension of groundless insolencies, and likewise give us satisfaction for those unsupportable and insolent scandals that are raised upon us.—To conclude: as we have not, or shall not, refuse any way, agreeable to justice or honour, which shall be offered to us, for the begetting a right understanding between us; so we are resolved, that no straits or necessities, to which we may be driven, shall ever compel us to do that which the reason and understanding which God hath given us, and our honour and interest, with which God hath trusted us, for the good of our posterity and kingdoms, shall render unpleasant and grievous unto us. And we assure you, that

(how meanly soever you are pleased to value the discharge of our public duty) we are so conscious to ourself of having done our part since this parliament, that, in whatsoever condition we now stand, we are confident of the continued protection from Almighty God, and the constant gratitude, obedience, and affection of our people: and we shall trust God with all."

After the reading of this Answer the lord Keeper further said, That the house of commons did account it to be a matter of so great importance, as to require some time to consider of it; and therefore they resolved to lay all other business aside, excepting one or two matters, until this was done; which Resolution the lords agreed to. Ordered, also, "That the Message of both houses to the king, on the 22nd of March last, with his majesty's Answer, should be forthwith printed and published."

"*Declaration of the Grievances of the Kingdom, and the Remedies proposed.*] This day the lords took into consideration the substance of a late conference had with the commons, concerning a Declaration of the Grievances and Evils of this Kingdom, with Propositions of the Remedies and Cures, which they conceived fit for these Diseases, reported by the lord Roberts; and, first, the Declaration was read in hæc verba

"We your majesty's most humble and loyal subjects, the lords and commons of this present parliament assembled, do hereby call God, this Kingdom, and the whole world to witness that we have, ever since our first meeting in this present parliament, with fidelity to your maj. and the state, with much patience and constancy, in respect of the great affronts and interruptions, the pernicious plots and attempts wherewith we have been encountered, distracted and opposed, employed our counsels and endeavours to maintain God's true religion, the honour and rights of your crown, the peace and safety of your royal person and your kingdoms, and the just liberties of your people; that so we might ease them of their great Grievances, and prevent the fears and dangers, yea, the imminent ruin and destruction, which have been contrived and fostered, not only in your court, but even very near your own person; and however our liberties have been invaded, many of our lives endangered, and such attempts made upon us as might have subverted the very being of parliament, yet have we so kept ourselves within the bounds of modesty and duty, that we have given no just occasion of your majesty's absence at this time, nor of any offence or displeasure to the queen's majesty; but, notwithstanding our manifold experience, past and present, and our sense and apprehension of those principles, destructive of this church and state, with which that religion professedly doth abound, we have ever been careful of the honour and safety due to her majesty's person, and so intend to continue for the time to come.

—And we most humbly beseech your ma[j.] with wisdom and compassion to behold [the] miserable and perishing condition of all your majesty's kingdoms; the full accomplishment wherenf seems impossible to be avoided, unless you will be graciously pleased to join seri[ous] and thoroughly with your parliament, in removing the Causes, and applying the most powerful and sovereign Remedies to those evils and distempers which have long held this kingdom in a languishing estate, and now brought it even to the last gasp and period of destruction; for preventing whereof, according to the trust reposed in us, we are bound, in all humility and faithfulness, to present some of those Causes and Remedies to your princely view and consideration. 1. The Evil Counsel about your majesty and the queen continually acting and disposing all occurrences of state, and abusing your majesty's power and authority, to the prejudice of religion and hazard of the public peace, the interruption of the parliament, the strengthening of a malignant party within the kingdom, the raising and fomenting jealousies and discontents between your majesty, your parliament, and other loyal subjects. 2. The Priests, Jesuits, and Papists, both foreign and native, and other dangerous and ill-affected persons have had so great an interest in the affections, and so powerful an influence upon the counsels of the queen, that her maj. hath been admitted to intermeddle with the great affairs of state, and with the disposing of places and preferments, even of highest concernment in the kingdom, which, being conferred by her mediation, hereby not only many of those who are in great power and authority, but divers active spirits, ambitious of public employment, have their dependance upon, and are engaged to favour and advance those ends and designs, which are infused into her maj. upon grounds of conscience, which is the strongest bond either of good or evil. 3. The great encouragement of Popery, the public exercise of that religion at Whitehall, Somerset-House, and other places, the establishing of a Popish hierarchy, the setting a college of Capuchin within this realm, the free and frequent conventions and consultations of Papists, the multitude of English youth, of both sexes, bred in the colleges and religious houses beyond the seas, and those Popish schools which, by the connivance and favour of the times, have been set up and permitted within this kingdom. 4. The want of a due Reformation of the Church-Government and Liturgy now used, the Want of a preaching Ministry, and a competent Maintenance for them in many parts of this kingdom. 5. The over-strict pressing of divers Ceremonies in the Liturgy and Rubric, and the enjoining and pressing of other ceremonies not established by law. 6. The Votes of Popish lords in the house of peers, whereby the great work of reformation in the government of the church and state hath been, and may yet be, very much hindered, and the ma-

ignant party of the kingdom strengthened and encouraged. 7. The countenance and protection which hath been afforded to many great and dangerous delinquents: the preferment of such as have adhered to them, and the discountenance shewed against those who have been active and employed as witnesses in the prosecution and prosecution of them. 8. The violent and frequent Breaches of the Privileges of Parliament; the often attempts against the safety, and malicious design to frustrate the power and proceedings of parliament. 9. The managing and transacting the great affairs of the realm in private cabinet councils by men unknown, not trusted by the wisdom of the kingdom, nor well affected to the public good of the kingdom. 10. The preferring men to degrees of honour, to offices, and other employments of trust, and removing others in time of parliament, without the consent of that your great and faithful council; whereby evil arts and ambitious spirits are apt to be bribed to those courses which lead to their own preferment, and others, more ingenuous and upright, are awed and strained in the performance of their duties. 11. The Selling of Places of Judicature, of Offices of Trust in Courts of Justice, and the degrees of serjeant at law, and of the charge and custody of the castles and forts of the kingdom; whereby insufficient, corrupt and unworthy persons are often put into those places, who, knowing the uncertainty of the censure and punishment of offences, are encouraged, for their own secular ends, to oppress the subject, and undermine the religion and laws of this kingdom, and to betray the trust reposed in them by your majesty's sacred person and government. 12. The multiplying of monopolies, and other grievous projections, by colour of your majesty's letters patents, and other commandments, to the great impoverishing of many of your majesty's loyal subjects, and infringing their ancient liberties, and destructive to the trade and commerce, and ability of supply of your majesty and the public, by subsidies or parliamentary aids. 13. The great and unnecessary increase of the customs of tunnage and poundage, and other impositions upon merchandizes, without the consent of parliament. 14. The many illegal and exorbitant courses practised in the Forests, Chases, Parks, and Warrens of this kingdom, to the great grievance and vexation of many of your majesty's subjects, and the destruction of much timber and wood. 15. The late unjust and illegal proceedings against the City of London, and the violation of their ancient liberties and privileges. 16. The late tumultuous and unlawful assembling of multitudes of people, under pretence of bringing up petitions to your majesty and both houses of parliament, to the great disturbance of the peace and quiet of the kingdom, and the hazard of the ensuing parliament. 17. The late tumultuous and unlawful assembling of multitudes of people, under pretence of bringing up petitions to your majesty and both houses of parliament, to the great disturbance of the peace and quiet of the kingdom, and the hazard of the ensuing parliament. 18. The late tumultuous and unlawful assembling of multitudes of people, under pretence of bringing up petitions to your majesty and both houses of parliament, to the great disturbance of the peace and quiet of the kingdom, and the hazard of the ensuing parliament.

of their places, in such form as shall be agreed upon by parliament; and that such of those counsellors and great officers as shall be so displaced, and not recommended as aforesaid, and whose names shall be presented by both houses of parliament, shall not have access to the person or court of the [illegible] 2. That all Priests, Jesuits, or Papists, as likewise all other dangerous and ill-affected persons, though professing the Protestant religion, be removed from the queen's person, and from having any office or employment under her; and that all her majesty's servants whatsoever shall take an oath, to be advised and enacted by parliament, that he or she will not, at any time, directly or indirectly, by him or herself, or any other, move, persuade, or [illegible] her majesty in any matter concerning the state and government of the kingdom; or concerning any favour or immunity to be conferred upon any Papists, against the laws or the [illegible] honour, preferment, or employment of any person whatsoever. 3. That your majesty will be graciously pleased to remove from about the royal persons of your king and the queen, and from both your courts, Mr Wm. Murray, Mr Edmund Porter, [illegible] which are of your bedchamber, Sir John Winter, late secretary to the queen, and Mr Wm Crofts, [illegible] persons of evil fame, as those who are disaffected to the public peace and prosperity of the kingdom, instruments of [illegible] and misunderstanding between your king and your people; and busy promoters of those malignants and grievances which have produced the great dangers, distempers, and distractions wherein your kingdoms have been, and are [illegible] miserably distracted and [illegible]. 4. That your majesty will be pleased not to intertain any advice or mediation from the queen Mother of Rebellion, as coming from [illegible] ment of any of your [illegible] is for the [illegible] and great [illegible] [illegible] and [illegible] [illegible] years, or [illegible] [illegible] [illegible] your majesty's person or [illegible] [illegible] [illegible] the peace of the kingdom, or [illegible] [illegible] [illegible]

or indirectly; for their preferment, in obtaining any such place or employment. 7. That the great Affairs of the Kingdom may not be concluded or transacted by the advice of private men, or by any unknown or unsworn counsellors, but that such matters as concern the public, and are proper for your majesty's privy council, shall be debated and resolved in such of the nobility and others as shall be recommended to that place by parliament, and such other matters of state as are proper for this high court of parliament, which is your majesty's great and supreme council, shall be debated, resolved, and transacted only in parliament, and not elsewhere; and such as shall presume to do any thing to the contrary, shall be referred to the censure and judgment of parliament. 8. That no person whatever, under the penalty of high treason, to be enacted by parliament, shall presume to make, entertain, solicit, or further any propositions or treaty for the marriage of any of the king's children, with any prince or person of the Popish religion, that no marriage for any of the king's children may be concluded with any other prince or person whatsoever, without the advice and consent of both houses of parliament. 9. That none of the king's children, except the princess Maria, already advanced, may, at any time, go beyond the seas without the consent of both houses of parliament, and that no person, under the penalty of high treason, to be enacted by parliament, shall advise, assist, or attend any of his majesty's children in such voyage beyond the seas, without the like consent of both houses of parliament. 10. That such Popish Priests as are already condemned, may be forthwith executed, and such as shall hereafter be condemned, may likewise be executed according to law. 11. That no Mass, or Popish service, be sung or said in the courts of the king, queen, prince, or the house of any subject in this kingdom, and that none of your majesty's subjects, or servants to your majesty, the queen, or any of your children, be present at mass, or in any other service of the church of Rome, or in any place whatsoever, under the penalty of losing his office and service, over and above the other penalties already enjoined by law. 12. That some more effectual courses may be enacted, by authority of parliament, for the better execution of the laws against Papists, for the preventing of feigned conformity, and disabling them from making any disturbances in the state. 13. That the Votes of the Popish lords in the house of peers be taken away by act of parliament. 14. That a due Reformation may be made of the Church Government and Liturgy by the parliament, and an able preaching Ministry may be established in all parts of this kingdom; for which purpose they intend to be assisted with the advice of such godly and learned divines, as shall be agreed on by both houses of parliament. 15. That it may be established, by act of parliament, That no person shall incur any penalties or punishment for any omission of the ceremonies in the Liturgy and Rubric, till the intended Reformation be made by parliament, and that such ceremonies, as are established by law, may forthwith be duly taken away. 16. That such delinquents as stand charged in parliament, for any crime against the peace and liberty of the kingdom, privilege of parliament, may be left to the course of justice; and such as have, or shall fly out of the kingdom upon any such charge, shall be subject to such penalties and forfeitures, as shall be agreed, and imposed by bill, in both houses of parliament. 17. That such persons as shall be declared in parliament to adhere to any such delinquents, and have thereupon any preferment from your majesty, shall be removed from those preferments; and that such as shall be declared, by both houses of parliament, to have been employed or used as witnesses against delinquents, and have thereupon fallen into your majesty's displeasure, and been put out of their places, shall be restored to their places, and to your majesty's favour. 18. That every person which, being a member of the house of commons in this present parliament, hath been accused of any offence against that house, and, that accusation depending, hath been called upon to the house of lords, in the quality of a peer, shall, by act of parliament, be put out of that house; and that, hereafter, no member of the house of commons, except in case of descent, may, without their consent, be called up to be a peer to the lords house. 19. That no person, which shall hereafter be made a peer of this realm, shall be admitted to have his seat or vote in the house of peers, without the consent of both houses of parliament. 20. That those members of the house of commons, who have, this parliament, been called to the house of peers, except in case of descent, may be excluded from giving their votes in the house of peers, unless both houses of parliament shall assent thereunto. 21. That no member of either house of parliament may be preferred, or displaced, during the parliament, to or from any office in the court of the king, queen, or prince, or about any of the king's children or public place of trust in the commonwealth, or to or from the benefit of such place or places, without consent of that house whereof such person shall be a member. 22. That such persons, of either house of parliament, who have been preferred to any such offices or places, during this parliament, may be put out of those offices and places; and that those members of either house of parliament, who, during the parliament, have been put out of any such offices, places, or the benefit thereof, may be restored again to those places and offices, and to the benefit thereof, upon petition of that house whereof they are members. 23. That no office or employment, concerning the justice and government of the kingdom, or your own revenue, or degree of serjeant at law, or custody of any fort or castle, or place of trust, be sold or bestowed for money to be paid to your majesty, or the use or bene-

Proceedings of the Old Bailey, London's Public Record of Crime

it of any of your servants, or any other, and that it be declared in parliament to be a breach of trust and duty, both to your maj. and the commonwealth, in any of those who, under your majesty, shall have the bestowing of any such place, to take money for the same, either directly or indirectly, by himself or others: and that the laws now in force against buying of offices, be duly observed for the time to come, and the penalties therein contained to be exacted and discharged by all non-residents or dispensers; but that such as may be preferred for their ability, merit, experience, and other public respects; the people eased of all excessive fees, and unnecessary delays, and the proceedings of justice made more easy, certain, and indifferent than of late they have been. 24 That your majesty would be pleased to discover the names of those persons who advised your maj. to issue out warrants for the sealing of the chambers and studies of the lord Kimbolton, or of any member of the house of commons; and to send the sergeant at arms to the house of commons to demand some of their members, to issue out several warrants under your maj.'s own hand to apprehend those members; your majesty's coming thither in your own royal person, the setting forth of a printed paper, in the form of a Proclamation, to apprehend those members, the exhibiting of Articles of Treason in the lords house against those members, and what else set and entered these Articles, or caused your maj. of the matter therein contained. 25 That your maj. will be pleased, according to law, not to receive any private information or suggestion against any member of parliament, for things done in parliament, and that you will be pleased to discover the names of those persons who have given, or shall give any such private information or suggestion to your majesty, upon the humble petition of the house of commons, praying the same, against whom no proceeding shall be upon such private information or suggestion, but that they may be left to make a public charge of treason or misprision in parliament, to [illegible] be punished according to the course of parliament; princely promises, they do not conceive them, for right understanding, will be as much and more to your majesty's honour and safety, as the most full concessions of the desires of your maj. and your people, and to establish the royal throne on the surest foundation of love and confidence; and therefore your dutiful and loyal subjects shall most cheerfully address themselves, with their lives and fortunes, to maintain and defend your sacred person, and your royal power and authority, in parliamentary way to support and supply your maj. to so free and large a manner, as may make you as great and happy a prince as any of your most renowned ancestors; and, upon all occasions, they shall be ready to use their utmost and most faithful endeavours, that your majesty, your royal queen and princely issue, may enjoy all honour, happiness, and [illegible] contentment in the midst of an humble, obedient, and affectionate people; whereby a hopeful way will be opened for your maj. to become a glorious instrument of the peace and prosperity of this kingdom, and of all your friends and allies abroad."

Mr Pym's Speech thereupon.] After this his lordship reported further, That Mr. Pym said, "He was commanded by the knights, citizens and burgesses of the house of commons, to present this Declaration, of the Causes and Remedies of the mischiefs of these times, to their lordships, such as require a present remedy rather than a declaration, and afterwards to say something to prepare your lordships consent to it. He said, The mischiefs have been expressed with more danger and violence than many ages heretofore and therefore their lordships will not wonder that something extraordinary be to the cure; yet the house of commons say they have kept themselves within the bounds of their duty and modesty, as such who are for the advantage of the king as well as of the subject. He said, If these Causes and Remedies be duly considered, in relation to the great distractions of the kingdom, their lordships would think all of them necessary and important, and most of them without exceptions, yet he was commanded to touch upon the principal matters, and remove some Objections, which he would do in few words, as speaking to those whose reasons would prevent discourses.—The first Objection is, 'The naming of ill Counsellors, which might seem as an encroachment upon the prerogative, which the commons, as well as your lordships, will be tender of, so far it stands with the public good, peace, and safety of the kingdom, for which all Powers and Governments are framed.' *Answer.* 1. That antiently, by the laws of this kingdom, the great offices of the crown were to be settled in other way, by the advice of parliament, if the great officers of state, peers, or privy-council, misdemeaned themselves, or should.

"Here is the recommendation of a council; they have their authority from the king. It is known that petitions, advices are heard, which regard the ordering of both houses of parliament, and long have been by the king's grant, it affirm'd, not opposeth, his prerogative."—The second Objection is to another head of the first Article, 'That all officers should be put out, the innocent as well as the nocent.' This may seem hard. *Answer*, 1. "But it is done to avoid personal taxes, that they may go all in a general thing, who have not deserved well?. It will be a means for the more ready entrance of those, who merit, to get their just confidence with the subject." The third Objection is to the Articles 'That all Jesuits and Papists should be removed from the queen. This is liable to the exception of debarring the queen from the exercise of her religion, and that is against the [illegible] treaty and faith given; and so may draw some dishonour, and may be an occasion of enmity against us.' *Answer.*

[illegible]

"That the house of commons considered that the law of God and the law of the land, was only fit for the representatives of the body of the kingdom to judge of, for if there must be idolatry against the law of God, it concerns them much to resist it, less they should incur the curse [illegible] and [illegible] more than to see the laws of this kingdom executed, [illegible] may displease Man, we shall not God. For the Public Faith and League, it is less than that with God, we must respect the higher, and not the lower, no contract can oblige against the law of God, neither can any edict act blind us against the law of this kingdom."—The fourth Objections, 'The Queen's taking an Oath.' *Answer.* "The commons desire it may be considered how great and how necessary a desire this is. For the power she hath had, in disposing of offices, is known to all your lordships; and to avoid this they can have no other remedy but some bond and tie upon her conscience. This will argue the solemnity of these desires, and this though it be unusual, the cause is so; the like urgent occasions, since the conquest, no time not had as now."—The fifth Objection is to that which concerned the Marriage of the king's children. *Answer.* "That we never were in any condition which so pressed us in desire this, as now; and, having found so much danger by marriage with a contrary religion, we should do what we might, to avoid the like for the future; therefore it is necessary that we deal advisedly in this. The children of the king are his, yet they are the children of the kingdom also, and the less dissimilar to them than to private men's children, and yet even those the laws may restrain for weighty public inconveniencies. He said Your lordships see religion almost gone in those two countries, and if this parliament be not means to prevent it, it will be gone in Ireland and then here, with relation to religion, this Article is necessary."—The sixth Objection is 'The Restraint of making Peers, and that those, who were members of the house of commons, should be removed to that house.' *Answer.* "The commons conceive it agreeable to the nature of parliament, which as it is fit for your lordships to desire none should be made, but by your consents, so will the commons desire, for themselves, that none of their body may be taken away, but by their consent; and in the case of assistants in the peers house, taken from the house of commons, they have been remanded by that house in several cases." These are all the particular Objections. Concerning the general Objection, 'That seeing most of these cannot be done without a bill, why is this way taken of a Declaration?'—*Answer.* "That the necessity of the times will not wait for the passing of sundry bills, which must take up some time; but it will be a great comfort to the kingdom to have the king's assent before-hand, and it will much conduce to the settling the minds of men."

This Report being ended, it was ordered, That the matter of it be taken into [illegible] the next morning. But we hear no more of this Declaration for some time; the substance of it was, afterwards, converted into 19 propositions, which were sent to the king, and will fall in their proper place.

Order for bringing the Magazine at Hull up to London.] April 2. This day the house of lords was called over, after which a Message from the commons was received, consisting of several Articles, one of which was an Order of that house, to authorize sir John Hotham, Governor of Hull, to suffer the Magazine of arms and ammunition there, to be embarked and brought to London; to which they desired their lordships concurrence. The lords agreed that this was requisite to be done.

Proceedings against Sandeford for aspersing the Parliament, &c.] Information being given to the lords, That Edw. Sandeford, a taylor, London, had said, "That the earl of Essex was a traitor; that all the parliament were traitors, that the earl of Warwick was a traitor and wished his heart in his boots; and that he cursed the parliament and wished Mr. Pym (calling him king Pym) and sir John Hotham, both hanged," the said Edw. Sandeford was brought to the bar, and asked what he had to allledge in his defence; but not being able to disprove the charge, he and the witnesses against him were ordered to withdraw. Then the house agreed to the following sentence against him. 1. "That the said Sandeford should be fined to our sovereign lord the king, in the sum of 100 marks. 2. That he shall stand on the pillory in Cheapside and Westminster, with a paper on his head declaring his offence. 3. That when he shall be taken off the pillory, in each place, he shall be whipped from thence at a cart's tail; the first day to the Tilet, and the second day to Bridewell. 4. That he shall stand committed to the house of correction in Bridewell, there to be kept to work during his life."

The King refuses to let the Earl of Warwick command the Fleet.] The lord keeper acquainted the house, that he had received a Message from the King, as an Answer to the desires of both houses concerning the earl of Warwick's being made commander of the Fleet; which was read in hæc verba:

"C R. Right trusty and well-beloved councellor, we greet you well; We wonder both at the form and matter of that inclosed Paper ye sent us, (in the name of both houses of parliament, in yours of the 28th of March) it being neither by way of petition, declaration, or letter; and, for the matter, we believe it is the first time that the houses of parliament have taken upon them the nomination or recommendation of the chief sea commander; but it adds to the wonder, that sir John Pennington, being already appointed by us to that service, upon the recommendation of our admiral, which is so well known that none can be ignorant of it, and no fault objected much as at

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ledged against him, another should be recommended to us, therefore our resolution upon this point is, That we will not alter him whom we have already appointed to command this year's fleet, whose every way sufficiency is so universally known; the which we are confident our admiral, if there shall be occasion, will make most evident to those whose testimony we suppose our parliament will not except. And though there were yet none appointed, or the said sir John, through some accident, not able to perform the service, yet the men of that profession are so well known to us, besides many other reasons, that, our admiral excepted because in his place, no recommendations of that kind would not be acceptable to us. Given at our Court at York, the last day of March, 1642."

The first thing the lords did, after reading this Message, was to order it to be communicated to the commons; the earl of Warwick was next desired to be present in parliament, as a peer of this realm, on Monday the 4th of April next. Soon after a message was brought from the lower house, by sir Henry Vane, junior, to desire their lordships to join with the commons, to require the earl of Northumberland, lord admiral, to depute the earl of Warwick to command this summer's fleet in chief, and that they would enjoin the said earl forthwith to undertake the charge, and put it on immediately; but this was deferred to be considered of on Monday next. On which day the foregoing affair was taken into consideration, and, after some debate, it was resolved, "That the lord admiral should depute the earl of Warwick as chief commander of the fleet, &c. the following lords entering their names as a Protest against it: Marq. of Hertford; earl of Bath Devon, Monmouth Berkshire, Cleveland, and Dover, lords Mowbray, Wentworth, Howard de Charlton, Savile, and Seymour."

After this the lord admiral declared his consent to the desire of both houses to appoint the earl of Warwick, &c. and, as such, it would be for the safety of his majesty and the whole kingdom; and the earl readily submitted to undertake the command. Then it was resolved, that something should be drawn up for their indemnity, and a committee was appointed accordingly.

Further Proceedings in the Trial of Mr Benyon.] This day Mr. Benyon delivered in his Answer to the impeachment of the commons, of the 31st of March, importing, "A denial of having preferred the Petition therein mentioned, with any intent to cross or hinder the Ordinance of parliament concerning the city Militia; or much less to set division between the parliament and the city, &c. He owned that he and one Gardiner, merchant, did draw the said Petition, and that divers citizens did subscribe the same; but denied that it was wickedly or maliciously contrived; or that he, by false and sinister persuasions, did go about to procure any citizen to subscribe, contrary to their own intentions and true meaning. That he, being a freeman and citizen of London, had taken an oath to defend and maintain the franchises and customs of the same, and, for above 30 years, had observed that the making and allowing of captains, and ordering of the trained bands and arms within the said city, were, from time to time, directed and disposed by the lord mayor and aldermen, and done by warrant of the lord mayor, for the time being, and not otherwise. Therefore this defendant, conceiving himself bound by the said oath, and not upon any wicked or malicious principles, did draw the said Petition, which he after read and had before learned counsel, by whom the same was approved, &c. That, as to the words charged in the Impeachment, to be spoken by him against the parliament and their privileges, he denied them; and said, that he never spake any other words than such as were lawful and necessary to be used in prosecuting the petitions, which had been some time before preferred to parliament, touching the granting of protections, &c. and on which a bill was then depending in the upper house. He likewise denied the words charged on him for hindering the loan of money for the public use, and all other circumstances relative thereto.—This Answer being read, the lords ordered the further hearing of this cause to be at the bar of their own house.

April 6. The lords proceeded in the trial Mr Benyon, and the committee of the commons being come up, he was brought to the bar as a delinquent, when Mr. Serj. Wylde carried that the impeachment against him might be again read; after which Mr Glynn opened the Charge, which he made to consist of two Articles: 1. "Benyon's malicious contriving, subscribing, procuring, and getting hands to a false, dangerous and seditious Petition, containing therein divers false, scandalous, and seditious matters. 2 For speaking divers false and scandalous speeches in derogation of the privilege of parliament." To prove the first, three witnesses were produced, and deposed as follows: Mess. scrivener, and Dan Mr Gardiner brought the Petition to his shop to be subscribed, and Benyon bid them bring any person along with him to subscribe the same. That he appeared in it more than any other, and 3 or 5 time a day, to urge those that came forward. He further said, that he overheard the said petitioner say, that it was approved of by counsel. And he asking Benyon if it was not too late to present the said Petition to parliament, now that the Ordinance for the Militia was settled, he answered, It was not."—Edm Harley said, "He went with Benyon to see the said Petition, at Moss's shop; and, after he had read it, he told Benyon he would not subscribe it, because it was full of untruths, for the lord mayor hath no power over the militia, because he cannot draw out any of the Trained Bands, on Shrove-Tuesday, without authority from the king; and further

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he told Benyon, He heard the Ordinance for settling the Militia was passed already in parliament; and therefore thought it would come too late. Benyon answered, That he had taken Mr. Recorder's opinion on the Petition, and he thought it right, and said, it would not [illegible] deposed much to the same purpose, and for the words, there was only Rob. Stevens produced to prove them.—After this Mr. Glyn observed, "That the time when the Ordinance for the Militia passed in parliament, was the 9th of Feb. last, and the discourse concerning this Petition was on the 19th. That the time when Benyon presented this seditious Petition was, when both houses had declared that the Kingdom was in imminent danger. The consequence of this ill example was, that other counties had taken the same boldness to contrive petitions of this nature, and the king's Answer, of Feb. the 28th last, had succeeded it. For these great crimes and misdemeanors the committee desired, in the behalf of the house of commons, that their lordships would give some severe judgment against the said Benyon."

Mr. Benyon then made it his humble desire, That he might answer by his counsel, and that the same witnesses, which were produced now against him, might be present when his defence was made; and he to have liberty to cross-examine them; which was granted, and ordered that this cause be further proceeded in at 3 this afternoon.

April 6. p. m. The commons sent up a message to inform the lords, That sir Edw Dering, being committed to the custody of the serjeant, had made his escape: they therefore desired that some speedy course might be taken to stop him at the ports and bring him back, which the lords ordered accordingly. They then proceeded in Mr. Benyon's cause; when divers witnesses were produced to shew, That there was nothing of sedition or malice in Benyon, in the management of the Petition, as is charged, but that, by the command of the lord mayor, he advised with the recorder about it, who approved of it both for the legal and customary part. He likewise shewed, that the practice had been for the lord mayor of London to make choice of the trained bands belonging to the city. To the second part of his Charge, concerning scandalous words, he proved, by 4 other witnesses, that he spoke no such words as were charged against him.

April 7. The lords took into serious consideration the Impeachment against Benyon, and likewise his Answer and Defence; and, after several questions, at last resolved on the following Sentence against him. 1. "That the said Benyon, for the first offence charged, (the second, for words being dropped) shall be disfranchised the city of London. 2. That he shall for ever, hereafter, be incapable of bearing any place or office in the commonwealth. 3. That he shall be fined 3000*l.* to the king. 4. That he shall be imprisoned in the castle of Colchester for 2 years; and, after that time, to find such sureties for his behaviour as this house shall think fit." * All which sentence, in the presence of the commons, was pronounced against him. The same day, the commons sent up an Impeachment against sir Wm. Wi[illegible] [illegible] [illegible] [illegible] of Northampton, for high crimes and misdemeanors, for breaking the privileges of parliament, and for endeavouring to disturb the peace of the kingdom by seditious words and acts. The principal complaint against this gentleman was, for publishing, by virtue of his majesty's warrant, a printed Book, entitled, 'Several Petitions and Messages of Parliament, concerning the Militia of the Kingdom, with his majesty's Answers thereto,' and granting a warrant of his own to execute it. All which the said gentleman had confessed; but the farther consideration of this affair was deferred to another time.

Order concerning a further Reformation in the Church.] April 8. The commons sent up an Order concerning reforming some Innovations in the Church, to which they desired their lordships concurrence. The order was to this effect: "That the lords and commons did declare, That they intended a due and necessary Reformation of the government and liturgy of the Church, and to take away nothing in the one or the other, but what shall be evil and justly offensive, or, at least, unnecessary and burthensome, and for the better effecting thereof, speedily to have consultation with godly and learned divines. Likewise to establish learned, and preaching ministers, with good sufficient maintenance throughout the kingdom &c. Agreed to, and ordered to be printed.

A Conference about removing the Garrison of Hull.] A conference was held this day between the two houses, the report of which was, "That the commons did not see any reason to alter their Resolution for removing the arms and ammunition from Hull to London; it being so far remote, and the king at such a distance, it would retard the business to send to him, and delay would prove very prejudicial to so important a business as requires haste: the kingdom was not that time in imminent danger, and the North part of it they conceived to be in the most: that it was a great charge to keep a garrison of 900 men in the town, and it would be fruitless to send to his majesty about it, as they conceive, having had so many denials of late of their just demands.—The lords entered into a debate on this Message, and it was resolved, to adhere to their former Vote concerning Hull; which was, that to remove the Magazine there without the king's consent.

* Lord Clarendon says, That the reason of Mr. Benyon's being committed to Colchester goal was, because his reputation was so great in London, that they would not trust him in the city prison.

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April 9. The [illegible] ...ea, ...ited to the [illegible] ...his next day, another [illegible] ...stly to the mean while the [illegible] ...ld ...ntice to draw up such [illegible] ...ns, for their [illegible] ...ion, the first order, which [illegible] ...ent, "That as he had ever [illegible] ...ion cases of necessity [illegible] ...by such, the trusts [illegible] ...observe the same [illegible] ...they can [illegible] ...and make [illegible] ...that they serve [illegible] ...occasion to [illegible] ...ment, which [illegible] ...by this war, [illegible] ...so being much [illegible] ...at last, agreed to [illegible] ...an humble Petition to the king, to remove the Magazine from Hull, which was done accordingly. But, at the same, they annexed to it another Petition, That the six Popish Priests, who had now lain long under condemnation, might be executed.

A Voluntary Gift of 60000l. to the Speaker of the House of Commons.] William Lenthall, esq. Speaker of the house of commons, having complained to that house, that his sickness and long attendance on them had very much hurt him, both in his body and estate, 1000l. more this day voted, as a voluntary gift to him; which, though they said, it was but a small requital to him, yet, in earnest, they would be ready to express a further thankfulness. Hereupon the Speaker rose up, and returned his thanks to the house, assuring them that as he had hitherto done, so he would continue to serve them to the best of his abilities.

The King's Proposal to go in Person to quell the Rebellion.] April 11. The Lord Keeper delivered a Letter, directed to himself, from the king, and another inclosed to the lords, the latter of which was read, and is in these verba

"His majesty being grieved at the very soul for the calamities of his good subjects of Ireland, and being most tenderly sensible of the false and scandalous reports dispersed amongst the people, concerning the Rebellion there, which not only wounds his majesty in honour, but likewise greatly retards the reducing of that unhappy kingdom, and multiplies the distractions at home, by weakening the mutual confidence between him and his people; out of his princely zeal to the honour of Almighty God, in establishing the true Protestant profession in that kingdom, and his princely care for the good of all his dominions, hath firmly resolved, with all convenient speed, to go into Ireland, to chastise those wicked and detestable rebels, (odious to God and all good men) thereby so to settle the peace of that kingdom, and the security of this, that the very name of Fears and Jealousies may be no more heard of amongst us.—As his majesty doubts not but that his parliament will cheerfully give all possible [illegible]

... taking heed ... of his majesty ...
... day in ... Hampton-... ...
... were consulted by the com- ...
... at Guild-Hall, in Lon- ...
... the kingdom, to ...
... They then desired to ...
... the house would give them ...
... majesty at York or not?
... presence that any] The lords ...
... on this matter, and, after- ...
... to command the two earls and the ...
... house, on the great and urgent ne- ...
... ing parliament, notwithstand- ...
... letters and dispatches; and ...
... this order, went forth and deli- ...
... ensigns of their places to the lord ...
... The lord keeper Littleton was, first, ...
... by the king for the ungrateful office ...
... ing their resignations; but, at his ...
... most earnestly, was excused; and so it ...
fell upon the former as secretary of state.—The lords considering this business to be a matter of great importance, as concerning the honour and privilege of parliament, and that the earls of Essex and Holland had done nothing but what they ought to have done, in obeying the commands of the house, took it into serious debate, and made the following resolutions: 1. "That the Attendance of the earls of Essex and Holland on this house, according to the order of this house, is no disobedience to the king's command. 2. That the removing of the said earls from their places in court, only because they obeyed the orders and commands of this house in their attendance here in parliament, according to his majesty's writ of summons to it, is against the privileges of parliament. 3. That the king's licence and dispensation, under his privy signet and sign manual, for any lords absence from parliament, when the house shall command him to attend, cannot discharge his attendance on the said house. 4. That any lord's disobeying the commands of this house, to give his attendance here, notwithstanding any licence or dispensation, as aforesaid, is punishable by this house. 5. To have a conference with the commons about this business."

April 13. The lords took into consideration the king's last Message, about his going into Ireland, and after a long and serious debate, it was resolved, nem. con. "That it is most dangerous and unsafe; and that this house cannot consent unto his majesty's going to Ireland." Ordered, That this vote be communicated to the commons, and that they be desired to appoint a committee to join with one from the lords, to take into consideration this vote and the king's Message, in all points excepting that concerning the Militia.

April 15. The lord keeper reported the effect of a conference held yesterday, That the commons did return the votes they had from their lordships, concerning the earls of Essex and Holland, agreed to by them, with some Alterations and Additions, to which they desired their lordships concurrence. The most

material of these were, 1. "That they had voted the seuling [illegible] and dispensations from the king, to discharge the attendance of their attendance on parliament, was a high breach of privilege; and [illegible] of the nobilitmen, at this [illegible] this occasion was an injury to the parliament and the whole kingdom. 2. That what person soever shall accept of either of those offices, [illegible] taken away, until satisfaction be given to the parliament, shall be accounted [illegible] and to offer an abuse to parliament, and thereby render [illegible] of honour or trust in the commonwealth. 3. That those persons [illegible] counsel, in discharge [illegible] their duty, and to [illegible] between the king and his people, and to the disturbance of the [illegible] which additional Resolutions were agreed to by the lords.

Petition from both Houses to the King against his going to Ireland.] The [illegible] further reported, That Mr. [illegible] presented a draught of a Petition to be [illegible] the king, containing some Reasons against his going into Ireland, which was read as follows:

"May it please your majesty, Your most loyal and faithful subjects, the lords and commons in parliament, have duly [illegible] the Message received from your majesty, concerning your purpose of going into Ireland, in your own person, to prosecute the war there with the bodies of your English subjects, levied, transported, and maintained at their charge, which you are pleased to propound to us, not as a matter wherein your majesty desires the advice of your parliament, but as already firmly resolved on and forthwith to be put into execution by granting [illegible] commissions for the levying [illegible] horse, for a guard for your person when you shall come into that kingdom. Herein we humbly crave leave, with all reverence and humility to your majesty, observe, that you have declined your great council the parliament, and varied from the usual course of your royal predecessors, in that a business of so great importance, concerning the peace and safety of your subjects, and wherein they have a special interest by your majesty's promise, and by those great sums which they have disbursed, and for which they stand engaged, should be concluded and undertaken, without their advice. Whereupon we hold it our duty to declare, That it, at this time, your majesty shall go into Ireland, you will very much endanger the safety of your royal person and kingdoms, and of all other states professing the Protestant religion in Christendom; and make way to that cruel and bloody design of the Papists, every where to root out and destroy the reformed religion, as the Irish Papists have, in a great part, already effected in that kingdom, and, in all likelihood, would quickly be attempted in other places, if the consideration of [illegible] strength and union of the two nations of England and Scotland did not much hinder and discourage the execution of such a wicked design. And, that we may manifest to your majesty the danger and misery which such a journey and enterprize would produce, we present to your majesty the Reasons of this our humble opinion and advice. 1. Your royal [illegible] will be subject not only to the casualty of war, but to secret practices and conspiracies, especially your majesty continuing your profession to maintain the Protestant religion in that kingdom, which the Papists are generally bound by their vow to extirpate. 2. It will exceedingly encourage the rebels, who do [illegible] all professions and declare that your majesty hath taken part and all their proceedings, and that this insurrection was undertaken by the warrant of your commission, and it will make good their expectation of great advantage by your majesty's presence, to the [illegible] of their destruction in this kingdom, whereby they may hope we shall be divided to apply the war there, especially there appearing no necessity of your majesty's journey at this time, by reason of the many [illegible] which God hath given us against them. 3. It will much hinder and impair the means whereby this war is to be supported, and increase the charge of it, and, in both these respects, make it more impossible to your subjects, and this new [illegible] to them, because many of the adventurers, who have already subscribed, do, upon the knowledge of your majesty's resolutions, declare their resolutions not to pay [illegible] money, and others, very willing to [illegible] the [illegible] contrary. 4. Your majesty's [illegible] must necessarily very much interrupt the proceedings of parliament, and deprive the subject of the benefit of those further acts of grace and justice, which they shall humbly expect from your majesty, for the establishing [illegible] perfect union and mutual confidence between your majesty and your people, and preserving and confirming the prosperity and happiness of both. 5. It will exceedingly increase the jealousies and fears of your people, and render their doubts more probable, of some [illegible] intended by some evil counsels in your majesty, in opposition to the parliament, and in favour of the malignant party of the kingdom. 6. It will become your parliament of that advantage, whereby they were induced to undertake this war, upon your majesty's promise that it should be managed by their advice, which cannot be done if your majesty, contrary to their counsels, shall undertake to order and govern it in your own person.—Upon which, and divers other Reasons, we have resolved, by the full and concurring agreement of both houses, that we cannot, with the duty which belongs to us, consent to any levies, or raising of soldiers to be made by your majesty, for your intended expedition into Ireland, or to the payment of any army or soldiers there, but such as shall be employed and governed according to our advice and direction, and if

such levies shall be made by any such commission of your majesty, not agreed to by both houses of parliament, we shall be forced to interpret the same to be raised to the terror of your people, and disturbance of the public peace; and hold ourselves bound by the laws of this kingdom, to apply the authority of parliament to suppress the same.—And we do further most humbly declare, That it your maj. shall, by ill counsel, be persuaded to go contrary to this advice of your parliament, which we hope your maj. will not, we do not, in that case, hold ourselves bound to submit to any commissioners which your maj. shall chuse, but do resolve to preserve and govern the kingdom by the counsel and advice of parliament, for your maj. and your posterity, according to our allegiance and the law of the land.—Wherefore we most humbly pray and advise your maj. to desist from this your intended passage into Ireland, and from all preparation of men and arms tending thereunto, and to leave the managing of that war to your parliament; according to your majesty's promise made unto us, and your royal commission granted under your great seal of England, by advice of both houses, in prosecution whereof, by God's blessing, we have made a prosperous entrance by many defeats of the rebels, whereby they are much weakened and disheartened, and have no probable means of subsistance and, if our proceedings shall not be interrupted by this interposition of your majesty's journey, we may hope, upon good grounds, that within a short time, (without hazard of your majesty's person, and so much dangerous confusion to your kingdoms, which must needs ensue, if you should proceed in this resolution) we shall be enabled fully to vindicate your majesty's right and authority in that kingdom, punish those horrible and outrageous cruelties which have been committed in the murdering and spoiling so many of your subjects, and bring that realm to such a condition as may be much for the advantage of your maj and the crown, the honour of your government, and contentment of your people: for the better and more speedy effecting whereof, we do again renew our humble desires of your return to your parliament, and that you will please to reject all counsels and apprehensions which may any way derogate from that faithfulness and allegiance, which, in truth and sincerity, we have always borne and professed to your majesty, and shall ever make good to the utmost, with our lives and fortunes."

After the reading of this Petition, the lords resolved, That they agreed with the commons in the whole of it, excepting one expression, which was in the original, viz. 'And to desert the government and protection of your people, in this time of great danger and necessities, of the kingdom,' which, upon this Remonstrance, the commons thought fit to expunge. Then the said Petition was ordered to be sent to the king at York.

Another Declaration of the commons was read and agreed to by the lords, which was "That, in respect of the great fears and distractions of this kingdom, and for the security of his majesty's good subjects; and in regard that he has committed the managing of the wars in Ireland to the parliament; if any man shall endeavour to raise forces in Ireland, otherwise, or continue any forces so raised, without consent of both houses of parliament, it is declared, That he is an enemy to the state, and liable to the censure of parliament." This vote to be sent to all sheriffs, to suppress and hinder all those that shall endeavour to raise forces contrary to it; as, also, to sir John Hotham, at Hull, and to require him to observe the orders formerly given him.

The King's Message relating to the Garrison at Hull, &c.] April 16. The lord keeper acquainted the house, that he had received a Letter from the King, with a Message inclosed, which he was commanded to communicate to both houses of parliament. It was to this effect,

"We rather expected, and have done so long, that you should have given us an account why a Garrison hath been placed in our town of Hull, without our consent, and soldiers billeted there against law and the express words of the Petition of Right, than to be moved (for the avoiding of a needless charge you have put upon yourselves) to give our consent for the removal of our Magazine and Munition, (our own proper goods) upon such general reasons, as indeed give no satisfaction to our judgment, and since you have made the business of Hull your argument, we would gladly be informed, why our own inclination, on the general rumour of the designs of Papists in the Northern parts, was not thought sufficient grounds for us to put a person of honour, fortune, and unblemished reputation, into a town and fort of our own, where our own magazine lay; and yet the same rumour be warrant enough for you to commit the same town and fort, without our consent, to the hands of sir John Hotham, with a power unagreeable to the law of the land, or the liberty of the subject; and, of this, in point of right or privilege, (for sure we are not without privilege too) we have not all this while complained; and being confident that that place (whatsoever discourse there is of public or private instructions to the contrary) shall be speedily given up, if we shall require it; we shall be contented to dispose our ammunition there, as we have done in other places, for the publick ease and benefit, as, upon particular advice, we shall find convenient; though we cannot think it fit or consent that the whole Magazine be removed together; but when you shall agree upon such proportions as shall be held necessary for any particular service, we shall sign such warrants as shall be agreeable to wisdom and reason: and if any of them be designed for Ulster or Leinster, you know well the conveyance will be more easy and convenient from the place they now are in. Yet we must tell you, that if the fears are so great from the Papists at home, we

of Foreign force, as is pretended. it seems strange that you make not provision of arms and munition for defence of this kingdom, rather than seek to carry any more from hence, without some course taken for supply, especially if you remember your engagement to our Scots subjects, for that proportion of arms which is contained in our treaty. We speak not this, as not thinking the sending of arms to Ireland very necessary, but only for the way of the provision; for you know what great quantities we have assigned out of our several stores, which, in due time, we hope you will see replenished. For the charge of looking to the Magazine at Hull, as it is undertaken voluntarily by you at first, and, to say no more, unnecessarily; so you may free our good people of that charge, and leave it to us to look to, who are the proper owner of it: and this, we hope, will give you full satisfaction in this point; and that you do not, as you have done in the business of the Militia, send this Message out of complimental ceremony, resolving to be your own carvers at last: for we must tell you, if any attempt, or direction, shall be made, or given, in this matter, without our consent or approbation, we shall esteem it as an act of violence against us, and declare it to all the world as the greatest violation of our right, and breach of our privilege.—Concerning the six Priests condemned, it is true they were reprieved by our warrant, being informed that they were, by some restraint, disabled to take the benefit of our former proclamation: since that we have issued out another for the due execution of the laws against Papists; and have most solemnly promised on the word of a king, never to pardon any priest, without your consent, which shall be found guilty by law; desiring to banish these, having herewith sent a warrant to that purpose, if, upon second thoughts you do not disapprove thereof; but if you think the execution of these persons so very necessary to the great and pious work of reformation, we refer it wholly to you; declaring hereby, that, upon such your resolution, signified to the ministers of justice, our warrant for their reprieve is determined, and the law to have its free course.—And now let us ask you (for we are willing to husband time, and to dispatch as much as may be under one Message). God knows the distractions of this kingdom want a remedy) will there never be a time to offer to, as well as to ask, of us? We will propose no more particulars to you, having no luck to please or be understood by you. Take your own time for what concerns our particular; but be sure you have an early speedy care of the public; that is, of the only rule which preserves the public, the law of the land; preserve the dignity and reverence due to that. It was well said in a Speech made by a private person, but published by order of the house of commons this parliament, "The law is that which puts a difference betwixt good and evil, betwixt just and unjust. If you take away the law, all things will fall into confusion; every man will become a law to himself; which, in the depraved condition of human nature, must needs produce many great enormities: but will become a law, and envy will become a law; covetousness ambition will become laws; and what dictates, what doctrine, such laws will produce, may easily be discerned." So said that gentleman, and much more very well, in defence of the law and against arbitrary power: It is worth looking over and considering. And if that most zealous defence of the true Protestant profession, and the most resolved protection of the law, be the most necessary duty of a prince, we cannot believe this miserable distance and misunderstanding can be long continued between us; we having, often and earnestly, declared them to be the chiefest desires of our soul, and the end and rule of all our actions.—For Ireland; we have sufficiently, and we hope satisfactorily expressed to all our good subjects our hearty sense of that sad business, in our several Messages on that argument, but especially in our last of the 5th of this month, concerning our resolution for that service: for the speedy, honourable, and full performance whereof, we conjure you to yield all possible assistance and present advice."

After the reading in this Message, a conference was desired with the commons about it, being a matter, as they termed it, of dangerous consequence; and a committee of lords were appointed to draw up heads for that purpose. Who soon after, brought in the following

"To let the commons know, that the house has resolved, That it is necessary the Magazine at Hull be removed to the Tower of London; because they believe that those evil counsellors, who advised this Answer, wherein there is a threatening of the parliament, and an unjust charge of violation of the laws, have a design to stay those arms there; that they may make use of them to the disturbance of the peace of the kingdom, and the ruin and subversion of it. To desire a committee of both houses may be appointed to draw up the Reasons, which induced the houses to desire the Magazine might be removed from Hull; resolving to publish them, with their Petition to the king, and his answer to it."—This proposition was agreed to by the commons.

April 18. Two votes of the commons were sent up to the lords concerning Hull, to which they desired their lordships concurrence: 1. "To urge the necessity of removing the Magazine there: 2. To indemnify sir J. Hotham and his son, and all other persons under their command, for doing what they had already done; and that they should have the assistance of parliament against any inconveniences they might incur by yielding obedience to their command, in this necessary and important service." Agreed to; the earls of Bath, Monmouth, Cleveland, and Dover, with the lords Mowbray, Grey, Howard, and Savile, dissenting.

April 21. A letter from the earl of Stamford

to the lord keeper was read, importing his majesty's present Answer to the parliament's last Petition to him, "That he had thought something of it, and as much unsatisfied with many expressions therein, that he would shortly send to his parliament a particular Answer; but, for the present, he was resolved to do nothing concerning the Irish journey until they should hear from him again."

Sentence pronounced against the Attorney General.] April 23. A message was sent to the commons, to let them know that their lordships were ready to give Judgment against Mr. Attorney-General, if they would come, with their Speaker, to demand it. Accordingly the commons being come up, and the peers in their robes, the lord chief justice of the common pleas, in the absence of the lord keeper, pronounced Sentence upon him as follows:

"Whereas sir Edw. Herbert, knight, his majesty's Attorney General, hath been impeached by the knights, citizens, and burgesses of the house of commons, for the advising, contriving, and publishing certain false, scandalous, and malicious Articles of High Treason against the lord Kimbolton, one of the members of the house of peers; sir A. Haslerig, Denzil Holls, John Pym, John Hampden, and William Strode, esqrs. being then, and yet, members of the house of commons; and for causing Articles of High Treason to be entered into the clerk's book of the said house of peers, which was done against the privileges of parliament, tending to the subversion of the antient rights and being of parliaments, and against the liberty of the subject, and contrary to his oath and the laws of this realm. The lords, having taken the said Charge into due consideration, do find him guilty of exhibiting the said Articles unto the house of peers, and causing the same to be entered in the clerk's book of the said house; intending thereby falsely, unlawfully, and maliciously to deprive the said houses of the said several members; all which doings were, and are, high breaches of the privileges of parliament tending to the subversion of the antient rights and being of parliaments, and contrary to the liberty of the subject, and are of great scandal to his maj. and his government, and against the laws of this realm; for which offences this high court doth award and adjudge, 1. That the said sir E. Herbert, his majesty's Attorney-General, is, by sentence of this house, disabled, and made incapable of being a member-assistant, or pleader, in either house of parliament, and of all offices, saving that of Attorney-general, which he now holds. 2 That Mr. Attorney-General shall be forthwith committed to the prison of the Fleet during the pleasure of this house."

The King's Answer to the Petition against his going to Ireland.] April 25. The lord keeper signified to the house, that he had received two letters from the king, wherein were two Messages inclosed, which he was commanded to communicate to the house, and they were read accordingly. The first was this:

"We are so troubled and astonished to find the unexpected reception and misunderstanding of our Message, of the 8th of April, concerning our Irish Journey; that being so much disappointed of the approbation and thanks we looked for to that Declaration, we have great cause to doubt, whether it be in our power to say or do any thing which shall not fall within the like interpretation. But as we have, in that Message, called God to witness the sincerity of the profession of our only aims for the undertaking that Journey; so we must appeal to all our good subjects and the whole world, whether the reasons alledged against that Journey be of weight to satisfy our understanding, or the counsel presented to dissuade us from it be full of that duty as is like to prevail over our affections.—For our resolving of so great a business without the advice of our parliament, we must remember you how often, by our Messages, we made the same offer, if you shall advise us thereunto, to which you never gave us the least Answer, but in your late Declaration told us, That we were not to be satisfied with words, so that we had reason to conceive you rather avoided, out of regard to our person, to give us counsel to run that hazard, than that you disapproved the undertaking. And what greater comfort, or security, can the Protestants of Christendom receive, than by seeing a Protestant King venture and engage his person for the defence of that profession, and the suppression of Popery, to which we solemnly protested, in that Message, never to grant a Toleration upon what pretence soever, or an abolition of any of the laws there in force against the professors of it. And when we consider the great calamities, and unheard of cruelties our poor Protestant subjects in that kingdom have undergone for the space of near or full six months, the growth and increase of the strength of those barbarous rebels, and the evident probability of foreign supplies, if they are not speedily suppressed, the very slow succours hitherto sent them from hence; that the officers of several regiments, who have long time been allowed entertainment from you for that service, have not raised any supply or succour for that kingdom; that no troops of horse have long laid near Chester untransported; that the lord lieutenant of Ireland, on whom we relied principally for the conduct and managing of affairs there, is still in this kingdom; notwithstanding our earnestness expressed that he should repair to his command. And when we consider the many and great scandals raised upon ourself by the report of the rebels, and not sufficiently discountenanced here, notwithstanding so many professions of ours. And had seen a Book, lately printed by the order of the house of commons, intitled, 'A Remonstrance of divers remarkable Passages concerning the Church and Kingdom of Ireland;' wherein some examinations are set down, which how improbable or impossible soever, may make an impression in the

minds of many of our weak subjects. And lastly, when we duly weigh the dishonour which will perpetually lie upon this kingdom if the [illegible] speedy relief be not dispatched thither, we could not, nor cannot, think in a fair manner to discharge our duty to Almighty God, the true defence of the true Protestant profession, or to manifest our affection to our dear Lord Jesus, for their preservation, than by engaging our person in this expedition, as many of our royal progenitors have done, even in foreign parts, upon occasions less important and pious, with great honour to themselves and advantage to this kingdom: and therefore we expected, at least, thanks for such our inclination.—For the Danger in our Person, we conceive it necessary and worth taking to advenchure his life to preserve his kingdom, neither can it be imagined that we will sit still, and suffer our kingdoms to be lost and our good Protestant subjects to be murthered without exposing our own person to the utmost hazard for their relief and preservation; nor is it, when it was most pleasant and [illegible] pursuits to us as it is, and shall be, to govern and preserve our people with honour and justice.—For any Encouragement to the Rebels because of the reports they raise of the King's conceits that the rebels are capable of a greater terror, than by the presence of their own King at the head of an army to disperse them: besides, it will be an unspeakable advantage to them, if any reports of theirs could hinder us from doing any thing which were fit for us to do if such reports were not raised. This would quickly teach them, in the meantime, to prevent, by such reports, any other purposes coming against them, whom they had a mind should be so employed.—We conceive that the aforesaid reports, whose only ground was the principal motive, next the reason before mentioned, to us, should so much mistake our purposes, whose interest we conceive can't be in the least improved by the expedition which we hope, by God's blessing, to use in this service; this being the most probable way for the speedy conquest of the rebels, their lands are sufficiently secured by act of parliament.—We the King himself kindly used, that the Additional Forces now sent to your levies, for the relief of your people in Ireland, should be thought to be your refusal: and much more, that having used so many cautions in that Message, both in the smallness of the number of our royal aid sent until your Answer; and likewise hoped to be raised only near their place of shipping, in their being there to be armed, and that, not till they were ready to be shipped, in the presence, by the oaths, That none of them should be Papists; all which appears sufficient to destroy all grounds of jealousy, or any force intended by them in opposition to the parliament, or favour to any malignant party) any suspicion should, notwithstanding, be grounded upon it.—Neither can it be understood, when we recommended the managing of that war to you, That we intended to exclude ourself, or not to be [illegible] in your councils; that if we found any expedient, (which in our conscience or understanding we thought necessary for that great work) we might not put it in practice: we look upon you as our great council, who [illegible] always have and will, with great regard and deliberation, weigh and consider. But we look upon ourself, as neither deprived of our understanding, or divested of any right we had, if there were no parliament sitting. We called you together by our own writ and authority, without which you could not have met; to give us Christian counsel about our great affairs, but we resigned not up our own interest and freedom. We never subjected ourself to your absolute determination. We have always welcomed your counsels, as proceeding from a body intrusted by us: and when we have dissented from you, we have returned you the reasons, which have prevailed with our conscience and understanding, with that candour as a prince should use towards his subjects, and that affection which a father can express to his children. What application hath been used to rectify our understanding by reasons, or what motives have been given to persuade our inclinations, we leave all the world to judge; and then we must tell you, howsoever a major part may have cast in matter of opinion; we hold ourself (and we are sure the law, and the constitution of the kingdom, hath always held the same) able to dissent (till our reason be convinced to the general good) as if you delivered no reason.—For our Journies itself, the circumstances of our Petition are such, as we know not well what Answer to return, or whether it were best to give any. That part which pretends to carry resentment with it, doth no way satisfy us the other, which is rather reprehension and menace than advice, cannot stagger us. Our Answer therefore is, That we shall be very glad to find the work of Ireland so very much [illegible] to think it, which did not so appear by any thing known to us, when we sent our Message. And though we will never refuse, or be unwilling to venture our person, for the good and safety of our people, we are not [illegible] of our life, so to hazard it imperiously. And therefore, since you seem to have received advertisements of some late and great successes in that kingdom, we will stay some time to see the event of those, and not [illegible] this resolution till we have given you a [illegible] notice. But if we find the miserable and [illegible] of that kingdom to [illegible] not speedily relieved, we will, with God's assistance, visit them with succours, as our particular credit and interest can supply us with, if you refuse to join with us. And we doubt not but the levies we shall make in which we will observe punctually the former, and all other cautions, as may best prevent all fears and jealousies and to use no power but what is legal will be so much the satisfaction of our subjects, as no person will dare presume to resist our commands, and if they should, at their peril. In the mean time, we hope our for-

wardness, so remarkable to that service, shall be notorious to all the world, and that all scandals laid on us in that business shall be clearly wiped away.—We were so careful that our Journey into Ireland should not interrupt the proceedings of parliament, nor deprive our subjects of any acts of justice, or further acts of grace, for the real benefit of our people; That we made a free offer of leaving such power behind, as should not only be necessary for the peace and safety of the kingdom, but fully provide for the happy progress of the parliament. And therefore we cannot but wonder, since such power hath been always left here by commission for the government of this kingdom, when our progenitors have been out of the same, during the sitting of parliaments, and since yourselves desired that such a power might be left here by us at our last going into Scotland, what law of the land you have now found to dispense with you from submitting to such authority, legally derived from us, in our absence, and to enable you to govern this kingdom by your own more authority!—For our Return towards London, we have given you so full an Answer in our last Declaration, and in Answer to your Petition presented to us at York, the 26th of March last, that we know not what to add, if you will not provide for our security with you; nor agree to remove to another place, where there may not be the same danger to us we expected that (since we have been so particular in the causes and grounds of our fears) you should have sent us word, that you had published such Declarations against future tumults, and unlawful assemblies; and taken such courses for the suppressing of seditious Sermons and Pamphlets, that our fears of that kind might be laid aside, before you should press our return.—To conclude; we could wish that you would, with the same strictness and severity, weigh and examine your messages and expressions to us, as you do those you receive from us, for we are very confident, that if you examine our rights and privileges, by what our predecessors have enjoyed, and your own addresses, by the usual courses of your ancestors; ye will find many expressions in this Petition warranted only by your own authority; which indeed we forbear to take notice of or to give Answer to, lest we should be tempted, in a just indignation, to express a greater passion than we are yet willing to put on. God, in his good time, we hope, will so inform the hearts of all our subjects, that we shall recover from the mischief and danger of this distemper, on whose good pleasure we will wait with all patience and humility."

The foregoing Message was ordered to be sent down to the commons.

A Paper dispersed about, concerning the Nature of Allegiance.] The king's second Message was occasioned by a printed Paper, then industriously dispersed over the kingdom, concerning the regal power in the Militia; which we give as follows, from Husband's Collections; they not being in the Journals,

"A QUESTION answered: How LAWS are to be understood, and OBEDIENCE yielded: Necessary for the present State of Things, touching the MILITIA.

"Question. Now, in our extreme distractions, when foreign forces threaten, and, probably, are invited, and a malignant and Popish party at home offended, the Devil hath cast a bone, and raised a contestation between the king and parliament, touching the Militia. His majesty claims the disposing of it to be in him, by the right of law; the parliament saith, Rebus sic stantibus, et nolente rege, the ordering of it is in them." Answer. "This Question may receive its solution by this distinction, That there is in laws an equitable and a literal sense. His majesty, let it be granted, is intrusted, by law, with the Militia; but it is for the good and preservation of the republic, against foreign invasions, or domestic rebellions; for it cannot be supposed that the parliament would ever, by law, intrust the king with the Militia against themselves or the common-wealth, that intrusts them to provide for their weal, not for their woe. So that when there is certain appearance, or grounded suspicion, that the letter of the law shall be imprinted against the equity of it, (that is, the public good, whether of the body real, or representative) then the commander, going against its equity, gives liberty to the commanded, to refuse obedience to the letter: for the law, taken abstract from its original reason and end, is made a shell without a kernel, a shadow without a substance, and a body without a soul. It is the execution of laws, according to their equity and reason, which, as I may say, is the spirit that gives life to authority; the letter kills.—Nor need this equity be expressed in the law, being so naturally implied and supposed in all laws that are not merely imperial, from that analogy which all bodies politic hold with the natural; whence all government and governors borrow a proportionable respect. And, therefore, when the Militia of an army is committed to the general, it is not with any express condition that he shall not turn the mouths of his cannon against his own soldiers; for that is so naturally and necessarily implied, that it is needless to be expressed; insomuch that if he did attempt or command such a thing, against the nature of his trust and place, it did, ipso facto, estate the army in a right of disobedience; except we think that obedience binds men to cut their own throats, or at least their companions.—And, indeed, if this distinction be not allowed, then the legal and mixed monarchy is the greatest tyranny; for it lays invest the king in an absolute power, and the letter be not controlled by the equity; then, whereas other kings that are absolute monarchs, and do rule by will, and not by law, are tyrants per force; those that rule by law, and not by will, have, hereby, a tyranny conferred upon them legally, and so the very end of laws, which is to give bounds and limits to the exorbitant wills

of princes, is, by the laws themselves, disappointed, for they hereby give encouragement, and much more justification, to an arbitrary tyranny, by making it legal, not assumed; which laws are ordained to cross, not to countenance and the reason is the latter, where it seems absolute, always to receive qualification from the equity, else the most essential sinews must fail."

The King's Complaint against the said Petition.] The king's Message to the House of Commons on the foregoing Paper, was as follows:

"Whereas we have lately received a printed Paper, intituled, A Petition presented to His Majesty by the Knights, Gentlemen and Freeholders of the County of York: Which Paper he calls together with this Message thereto, to recommend the consideration of it to his house of peers, that they may use their best care and diligence for the finding out the author, and may give directions to his learned counsel, to proceed against him and the publishers of it, in such a way as shall be agreeable to the law and the course of justice, as persons who endeavour to stir up sedition against his person. And he makes no doubts but that they will be very sensible how much the safety of religion is at stake, as well as the public good concerned in the kingdom is, and must be, taken, if such licence shall be permitted to all factious spirits, to withdraw his subjects from obedience to the laws established, by such seditious and treasonable distinctions. And he assures us in this matter he may challenge to himself that their lordships will publish their good sense, in giving order to the preachers, and censure in some pulpits, but those especially of the preachers, who are the great promoters of the distempers of this time, 'that humanum est nescire' which being once believed the civil government and peace of the kingdom will quickly be shaken. His majesty expects a speedy account of their lordships examination upon the authors and publishers of this Paper."

The lords being of opinion, That the king's Complaint against the authors and publishers of the foregoing Paper is a true, seditious expressions and treasonable distinctions, as in the nature of an inquisition, and finding it proper for things of that kind to begin in the house of commons, and to be brought up to their lordships in a parliamentary way, sent it down to them accordingly. But it was never more heard of in either house.

A Petition of the Yorkshire Gentry to the King for continuing the Magazine at Hull.] At a conference held this day, the commons delivered to the lords a copy of a Petition, which had been presented to the king by divers gentlemen of Yorkshire; which was read as follows:

The Humble Petition of the Gentry and Commons of the County of York.

"Most royal sovereign; Encouraged by your majesty's many testimonies of your gracious goodness to us and our county, which we can never sufficiently acknowledge; we do, in all duty and loyalty of heart, humbly address ourselves to your sacred majesty; beseeching you to cast your eyes and thoughts on the safety of your own royal person, your princely issue, and this whole county, a great means of which we conceive doth consist in the Arms and Ammunition in Hull, placed there by your princely care and charge, which, by your majesty, was conceived necessary for the defence of the Northern parts of this kingdom; and since, upon a general apprehension of danger from foreign parts represented to your majesty, that it is, yet, to be continued. We for our parts, concerning ourselves to be still in danger do humbly beseech your majesty, That you would be pleased to take such course and order that your Magazine of Ammunition may still there remain, for the better securing of those and the rest of the Northern parts; and the rather, because we think it most fit, that that part of the kingdom should be best provided, where your sacred person doth reside; your person being the David, the light of Israel, and more worth than ten thousand of us, Who shall daily pray, &c."

This Petition was assented to, and delivered to the king, by these gentlemen, viz. sir F. Wortley, sir Wm. Wentworth, sir John Gibson, sir Tho. Metham, sir Rd. Hutton, sir Paul Neal, Mr. Bryan Palmes, Mr. Geo. Butler, Mr. Downay, Mr. Mountain, capt. Frankland, and 8 or 10 more, whose names, as the Journals say, were not known.

The observations made by the house of commons on this Petition, were, "1. The preface to it, being styled, 'A Petition of the Gentry and Commons,' when it was delivered only by a few. 2. That it is wholly grounded upon a presumption, that the king and prince will reside there, which is directly contrary to the continual desires of both houses of parliament, and to their petition for removing the Magazine from Hull, and their order thereupon. 3. That whereas it is pretended that the Magazine was placed there for the safety of the county, it was much to the damage and loss thereof, being so long otherwise ordered with that and the army. 4. That most of the subscribers were the retractors of their names from that Petition, which the county of York presented to the king, for the calling of a parliament, and joined with the late earl of Strafford for the stopping of it.—On these considerations the commons conceive this Petition to be of dangerous consequence, and an affront to the parliament; done on purpose to increase the differences between the king and his people, to make a faction within that county. Therefore, the commons desire their lordships, That the subscribers to it may be summoned to appear, and answer the same in parliament." This was ordered accordingly.

The King's Message of Complaint against sir J. Hotham for shutting him Entrance into

Hull.] April 26. The lord keeper acquainted the lords, that he had received a Letter from the King, dated at Beverley, April 24th, with a Message inclosed in it, which he was commanded to deliver to the house; viz

"His majesty having received the Petition delivered from most of the gentry near about York, desiring the stay of his majesty's arms and munition in his Magazine at Hull; for the safety not only of his majesty's person and children, but likewise of all these Northern parts, tho manifold rumours of great dangers inducing them to make their said supplication; thought it most fit to go himself, in person, to his town of Hull, to view his arms and munition there, that thereupon he might give directions what part thereof might be necessary to remain there for the security and satisfaction of his Northern subjects, and what part thereof might be spared for Ireland, and the arming of his majesty's Scots subjects that are to go thither, or to replenish his chiefest magazine of the Tower of London; where being come upon the 23rd of this instant April, much contrary to his expectation, he found all the gates shut upon him, and the bridges drawn up, by the express command of sir John Hotham; who, for the present, commands a garrison there, and from the walls flatly denied his majesty entrance into his said town, the reason of the said denial being as strange to his maj. as the thing itself, it being, that he could not admit his majesty, without breech of trust to his parliament; which did the more incense his majesty's anger against him, for that he, most seditiously and traiterously, would have put his disobedience, upon his majesty's parliament; which his maj. being willing to clear, demanded of him, if he had the impudence to aver that the parliament had directed him to deny his maj. entrance; and that if he had any such order, that he should shew it in writing, for otherwise his maj. could not believe it, which he could no way produce, but maliciously made that false interpretation according to his own inferences, contessing that he had no such positive order, which his majesty was ever confident of. but his majesty, not willing to take so much pains in vain, offered to come into that his town with only 20 horse, finding that the main of his pretence lay, that his majesty's train was able to command the garrison; notwithstanding his majesty was so desirous to go thither in a private way, that he gave warning thereof but over night; which he refusing, but by way of command, which his majesty thought much below him, held it most necessary to declare him traitor, unless, upon better thoughts, he should yield obedience; which he doubly deserved, as well for refusing entrance to his natural sovereign, as by laying the reason thereof, groundlessly and maliciously, upon his parliament. One circumstance his maj. cannot forget, That his son the duke of York, and his nephew the prince Elector, having gone thither the day before, sir John Hotham delayed letting of them enter to his majesty, till after some consultation. Hereupon his maj. hath thought it expedient to demand justice of his parliament against the said sir J. Hotham, to be exemplarily inflicted on him, according to the laws, and the rather, because his maj. would give them a fit occasion to free themselves of this imputation, by him so injuriously cast upon them, to the end his maj. may here the easier way for the chastising of so high a disobedience."

The Lords justify sir J. Hotham's Refusal.] The lords entered into a serious debate on this Message and afterwards came to the following Resolutions 1 "That sir J Hotham, according to this relation, hath done nothing but in obedience to the commands of both houses of parliament. 2. That this declaring sir J Hotham a traitor, being a member of the house of commons, is a high breach of privilege of parliament. 3 That this declaring sir J. Hotham a traitor, without due process of law, is against the liberty of the subject and the law of the land" It was also ordered, to have an immediate conference with the commons, to communicate the king's Message to them, and these votes upon it.

Impeachment of sir Edw. Dering, for promoting the Kentish Petition.] This day the lord keeper reported a conference had with the commons, concerning sir Edward Dering, That they had presented the following Impeachment against him,

ARTICLES of IMPEACHMENT of Sir Edward Dering, knt. and bart. by the Commons assembled in this present Parliament, in the name of themselves and of all the Commons of England, for high Crimes and Misdemeanors by him committed as follows *

I. "That whereas an Ordinance was lately made and agreed upon by both houses of parliament, for the setting of the Militia of this kingdom, for the safety and preservation thereof in these times of imminent danger; the said sir Edward Dering, knowing thereof, and having been lately a member of the commons house in parliament, and by order of the said house, for offences by him committed, expelled the same † out of a malicious and wicked intention to cross and hinder the said Ordinance; to interrupt and scandalize the proceedings of parliament, to set division between his majesty and the parliament; and to raise sedition and tumult in the county of Kent, and in other parts of this realm; in or about the month of

* These proceedings against sir Edw. Dering are taken from the Lords Journals: There is no mention made of them in Rushworth or Whitlocke. Lord Clarendon, indeed, tells us, "That several gentlemen of the county of Kent, who had subscribed and advised the Petition, were sent for as delinquents, and Charges and Articles of Impeachment drawn up against them" Vol. II. p. 487.

† For printing his Speeches. See p. 1072.

March last past, by practice and combination with R. Spencer, esq. sir Roger Twisden, and sir Geo. Strode, and others, did wickedly and maliciously contrive and frame certain dangerous and seditious Heads or Articles of a Petition to be presented to the parliament, first and on behalf of the gentry, ministers and commonalty of Kent, amongst which some were to this or the like effect, viz. 1. That no member of the house of commons should be put out of the said house, without shewing a reason for the same; and that they should not be put out by the said sir Edw. Dering, if he put out of the said house. 2. That his majesty's servants should not be bound by any Order of either of the said houses. 3. That no Ordinance of the said house touching the Militia should bind the subjects, without his majesty's assent thereunto. And for the better effecting of their aforesaid wicked purposes, at the assizes holden for the said county, on Tuesday, the 22nd of March 1641, the said sir E. Dering, being then, and yet, a justice of the peace of the said county, together with the said sir Geo. Strode, and divers other justices of the peace of the said county, then present in court, by the practice and combination aforesaid did offer himself to serve on the grand inquest for the said assizes; albeit there was another sufficient grand jury then returned by the sheriff whereof he was one; and no exception was taken to the same, and that no justice of peace, or other gentlemen of that rank and quality in that county, had served upon any grand jury at the assizes, for many years then before, and the said sir E. Dering, together with the other said justices of the peace, upon their said offer, being sworn and impannelled of the said jury, the said sir E. Dering, with the said sir Geo. Strode, by the practice and combination aforesaid, and to the intent and purpose aforesaid, did tender the said Heads to the said grand jury, and did then and there wickedly and maliciously persuade, labour and solicit the rest of the grand jury to agree to the same; and have them drawn into a Petition to the parliament, to be presented by the said grand jury to the judge of the said assizes at the rising of the bench there, to be, by them, assented to and approved of, and did then and there wickedly conjure the said grand jury to secrecy, and not to discover any thing touching the said Petition till it should be, by them, agreed upon and presented as aforesaid, falsely persuading them that they were thereunto bound by their oath.—II. That whereas the said grand jury did not, nor would agree to the said Petition or Heads, but a great part of them did utterly refuse and oppose the same, and resolve to protest against it, yet the said sir E. Dering, together with the said sir G. Strode, by the practice and combination aforesaid, did, at the same assizes, wickedly and seditiously contrive and frame a dangerous, scandalous, and seditious Petition to be presented to the parliament, containing many of the heads aforesaid, and others, and the same did present to the bench at the said assizes; and, by false and sinister suggestions, persuasion and solicitations, caused the same to be united and assented to in open court; and did further say, That the same should be accompanied with 40,000 persons, and that they should meet at Deptford, Greenwich, or Blackheath, to go to the parliament, and did likewise openly move to get, That there might be three copies made of the said Petition, one to the house of lords, another to the commons, and a third to his majesty.—III. That the said sir E. Dering, together with the said R. Spencer and R. Twisden sir G. Strode, and others, by the practice and combination, and to the intent and end therein and aforesaid, and other ways, did wickedly and seditiously publish the said Petition and caused the same to be published at the house of one Pope, in Maidstone, and at the house of Mr. Stone, in Maidstone aforesaid, in Lenham and divers other places thereabouts, to be dispersed throughout the said county; and thereupon there did arise great tumult and disorder among the people.—IV. That the said sir E. Dering, together with the rest of the said confederates, by the practice and combination aforesaid and to the intent aforesaid, did maliciously, wickedly and maliciously, procure many hundreds of the inhabitants of the said county to assemble and meet at Deptford or Greenwich, in the said county, or some other place, in warlike manner, in great numbers to go along with the said Petition, intending thereby to disturb the peace and quiet of the kingdom, and to raise civil commotion and sedition amongst the people, and to intimidate the parliament.

All the premises of the said sir E. Dering and his confederates, were against the great and high duties of the present parliament, and tended to the subversion and the ruin of the peace of the kingdom, leading to sedition, and to the apparent danger of both his majesty's kingdoms of England and Ireland and the said sir E. Dering being brought to the bar of the house of commons, and publicly and openly charged by the house of parliament for the said offence, is since that in great contempt of both the said houses. And the said commons, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any other accusation or impeachment against the said sir E. Dering, and the general Rule of Answer which he shall make to all and every part of them, and of all and every the premises, or any of them, and saving to the peers the liberty of accusing him, as he is accusing the house of commons, shall require that the said sir E. Dering may be put to make his full answer to all and every the premises aforesaid, and that such further proceedings, examinations, censures and judgments may be had and used against him as to justice appertaineth. Whereupon, first, the gentleman of the house of commons that managed the conference, made report to their lordships what had been read unto you, that Nonum recenus Ilii saturn

stretit,' that notwithstanding the many strange and variable attempts against the parliament, and their wonderful and miraculous preservations, yet mischief is so fruitful and generative as to produce a new brood of serpents; which are continually hissing, maligning, and practising against the pious and noble endeavours of both houses, and against the peace, prosperity and happiness of this afflicted kingdom. If the evil and seducing spirit, which doth animate these designs, were asked from whence he comes, doubtless his answer would be, 'From compassing the earth,' having remitted his scene into many several parts, and found so many friends and patrons of his audacious atchievements, amongst whom this gentleman, sir E. Dering, is one; a man of mark and eminency; of wit, learning, and zeal, at least in shew and appearance, and yet all these miserably shipwrecked upon the shelves and sands of the Kentish shore. The thing itself appears to your lordships to be a manifest breach of the rules of law, justice, and religion, and yet under the cloak of all three, a trust must be proclaimed to take away Naboth and his vineyard. The yeomanry of Kent, heretofore in great esteem, is now become vile and contemptible; an extraordinary grand jury must be prepared of knights, gentlemen, and justices of the peace for some extraordinary service, which your lordships have heard what it is; they must descend from their places in the bench, and from themselves too, not to serve their country, (for that were no disparagement) but to serve their own unworthy, ambitious, and seditious ends.—This gentleman, a ringleader, late a member of the house of commons, the great grand jury of the whole kingdom, and there so highly esteeming of his own wisdom, is contented now to descend so low as to become one of the common jury of the county, such is the meanness and pusillanimity of high thoughts, as, for compassing of their own ends, to stoop to any condition how low soever it may be.—Having thus set the cards, he plays the game very foully; he leads his fellows out of the way; and makes them, like ill hunters, instead of following the chace, at the quest of one ill mouth, to fall upon a flock of sheep. Their duty was to have enquired, diligently, of the matters given them in charge. Surely this was out of the charge, because the judge had told them it was out of his commission; and yet they leave other matters, which they were charged with, as accidents and trifles; and insist upon this, which they had nothing to do with, as the principal business. —He obtrudes on them divers monstrous and seditious heads; and, by sinister suggestions, labours and solicitations, which ought not to be used to a jury; and, by a kind of violence offered them, seeks to enforce them to a consent, contrary to their own reason, judgment, and consciences, when they refused, opposed, and protested against it. Failing of this, 'Flectere si nequeam Superos, Acheronta movebo' Instead of enquiring upon the statute of witchcraft and conjuration, he useth his conjurations and enchantments upon them, to conjure them to secrecy, basely persuading them that they will be bound unto it by their oath; when all this would not serve, he then applies himself to the bench, and, by the enchantments and conjurations used there, prevails so far as to have it there voted and assented to by such as were present; and, to give the more strength and countenance to it, wants not the aid and concurrence of some apparent reverend divines, and of civilians also, and sticks not to affirm, that he can have 40,000 persons to attend the Petition; proclaims a meeting at Blackheath, a place fatal and ominous for actions of this nature; and all this under colour of a Petition, being, in truth, a challenge, an abjuration, and a scandal upon the parliament; and purporting nothing else but a desperate design to put not only Kent, but, for ought is known, all Christendom into combustion, carrying the sun's full swollen with spite, arrogancy, and sedition. The particular instances he forebore to trouble your lordships with, because you will find some of them upon perusal of the Petition. He said many arguments he might use to aggravation of them, from the eminency of the power of the person, and the arrogancy of his mind, the acrimony of his spirit, and from the tupping place of Kent, which former ages hath found obnoxious to these misdemeanours; which this gentleman, so well read in story, should have been mindful of in these troublesome times: but all these, and other circumstances, he left to your lordships noble and judicious consideration; desiring, amongst other motives, that your lordships will be pleased to reflect upon the acts of your own justice in a case of like nature *; which, being first begun here, near at hand, might have spread the flame and contagion over all England, had not the great wisdom and justice of both houses, in due time, prevented it.—He said, He should add no more at this time, but what he had read of a people in Africa, which sent a challenge to the wind, whereupon, at the meeting, the wind blew down mountains upon them, and overwhelmed them: he hoped those bold and insolent adventurers, who have presumed to send a challenge, or defiance to the great houses, shall find the like stroke of their wonted power and justice; and that they shall meet with such a wind as will blow down their high thoughts upon themselves, return their votes into their bosoms, and their mischievous designs upon their own heads. All which he was warranted, in the name of the house of commons, and of all the commons of England, to desire of their lordships; and that they will be pleased to make this gentleman, the principal author of this foulact, a spectacle and pattern of exemplary justice to present and future times."

Ordered, 'That sir Edw. Dering, knt. and bart. shall appear before the lords in parliament on the 2nd day of May, and put in

* Mr. Benyon's Petition beforementioned.

s Answer unto an Impeachment of the house
mmons brought up against him, or else
House will proceed against him by de-

Further Votes and Orders relating to Hull.

The lords and commons having considered of the king's last Message and the Votes about Hull, sent to desire another conference on this matter, in which they acquainted the lords, That they fully agreed with them in those votes, and desired that they might be printed and dispersed all over England: That two ships of war should be sent to the river Humber to clear the passage to Hull, and for the command of the town of Warwick: That a committee of both houses might be sent into the North to take care of those parts and Hull, principally, to thank sir John Hotham, the commanders and soldiers under him, with such inducements as the committee who they shall be intrusted forward in the service, for their faithfulness in preserving that place, and to assure them that particular care shall be taken to reward them according to their deserts.

There was read, also, an Information from two persons, who said, That the king's coming to Hull was on purpose to hang sir John Hotham, and, upon his refusal to let his majesty into Hull, he had proclaimed him a traitor: That sir Tho. Metham was raising forces for the king in Yorkshire, most of them Papists, and that there was a great resort of them to York: That all posts and persons who brought letters to and from the parliament at Hull were stopped, and forbidden to carry any to or from it, by land and all intercourse prevented, both by land and water. In consideration of which, the commons think fit to desire their lordships concurrence in sending an Order to the sheriff, lord lieutenants, justices of the peace, &c. in the adjacent counties, to suppress all force that shall be raised there, either to force the town of Hull, or to stop the passages to and from the same, to the disturbance of the peace of the kingdom. Lastly, The commons desired the lords concurrence in a Declaration concerning these matters: and that the same might be printed and published.

The lords not only agreed with the commons in all these particulars, but went further: for they ordered all the persons who had signed the last Petition to the king, which is there named, to be sent for as delinquents, for being active against the parliament. The Declaration abovementioned, was as follows:

"It is declared by the lords and commons in parliament, That the stopping of the passages between Hull and the parliament, and the intercepting of messengers employed from the parliament to Hull, or from any that are in the service of the parliament, or any letters whatsoever sent by any to or from the parliament, is a high breach of the privilege of parliament; which, by the laws of this kingdom and the protestation, we are bound to defend with our lives and our fortunes, and to bring the violators thereof to condign punishment; and hereby all lords lieutenants and their deputies authorised by the Ordinance of both houses of parliament, all sheriffs, justices, mayors, bailiffs, constables, and other officers whatsoever, are required to use their utmost aid and assistance to all that are employed in the said service, for their better and more speedy, free, and safe passage and to apprehend all such as, by colour of any warrant or other authority whatsoever, shall endeavour or go about to hinder any that are employed about the same, and them to apprehend, and in safe custody to send up to the parliament."

April 28. This day a message was brought up by Mr Oliver Cromwell, to desire a conference. The purport of which was, the commons acquainted the lords, "That they had received information of a great meeting to be held this day at Buckhurst, in order to back the intended Petition of Kent, and that report there given out that they intended to stand by that: they therefore recommended to their lordships that proper care might be taken to prevent any mischief that might ensue." This was ordered accordingly by the lords.

An Order was made that sir John Hotham have power to send up such ships, at Hull, as are fit for bringing away the Magazine there, to be convoyed by the two ships of war already sent for that purpose.

The lords agreed with the commons to give instructions and power to their commissioners, who were to be sent into the North; as, also, to another Declaration of both houses on the behalf of Hull, with an order of assistance to be given to the commissioners, which, with the last votes, were again ordered to be printed and published. The Declaration, &c. were to this effect:

"The lords and commons in parliament, finding just cause to fear not only the desperate designs of Papists, and others of the malignant party, at home, but also the malice of enemies, incited by them, from abroad, thought it necessary, for the safety of this kingdom, to secure the town of Kingston upon Hull, being one of the most considerable places for strength, and affording the best conveniency for landing of forces, and where a great part of the magazine of the kingdom for that use was placed; and for that end appointed sir John Hotham, one of the members of the house of commons, being a gentleman of the same county, of a considerable fortune and approved integrity, to take upon him the government of the town, and to draw thither some of the Trained Bands for the guard thereof: in which apprehension and resolution they were the more confirmed by the sight of some intercepted letters of the lord Digby, (a principal person of that party) written to the queen and sir Lewis Dives; whereby that party discovered an endeavour to persuade his majesty to declare himself, and retire into some place of safety in this kingdom, in opposition to ways of accommodation with his people; and, to give the better opportunity to himself

and other dangerous persons to resort thither; which could have no other end but to incline his maj. to take arms against his parliament and good subjects, and miserably to unbroil this kingdom in civil wars. About which time capt. Legge (a man formerly employed in the practice of bringing up the army against the parliament) had direction, by warrant produced by him under the king's hand and sign manual, to enter Kingston upon Hull, and to draw thither such of the Trained Bands as he should think fit: and that the earl of Newcastle came thither in a suspicious way, and under a feigned name, and did endeavour to possess himself of the said town, by virtue of the like warrant and authority.—They further conceiving, that the Magazine there being of so great importance to this kingdom, would be more secure in the Tower of London, did humbly petition his maj. to give his consent the same might be removed, which, notwithstanding, his maj. did refuse; and thereupon some few ill-affected persons about the city of York, took upon them the presumption, in opposition to the desires, and in contempt of both houses, to petition his maj to continue that Magazine at Hull; alledging it to be for the safety of his majesty, as if there could be a greater care in them of his majesty's royal person than in his parliament: and his majesty, the next day after the delivery of that Petition, being the 23rd of this instant April, took occasion thereupon to go to the town of Hull, attended with about 400 horse, (the duke of York and the prince elector being sent thither the day before) and required sir J. Hotham to deliver up the town into his hands; who perceiving his maj. to be accompanied with such force as might have mistered the garrison of the town, and having received intelligence of an intention to deprive him of his life, in case the king should be admitted, informed his maj. of the trust reposed in him by both houses of parliament, and that he could not, without breach of that trust, let him in; beseeching his maj. to give him leave to send to the parliament, to acquaint them with his majesty's commands, and to receive their directions thereupon, which he would do with all expedition. This Answer his maj was not pleased to accept of; but presently caused him and his officers to be proclaimed traitors before the walls of the town, and thereupon dispatched a Message to both houses, therein charging sir J. Hotham with high treason, and aggravating his offence, because he pretended the parliament's command; in the mean while hindering him of all means of intelligence with the parliament, for his majesty immediately caused all passages to be stopped between him and them; and, in pursuance of the same, one of his servants, who was sent by him with letters to the parliament, to inform them of the truth of those proceedings, was apprehended, his letters taken from him, and his person detained; whereby, contrary to the common liberty of every subject, he was not only deprived of means to clear himself of that heavy accusation, but of all ways of intercourse, either to receive directions from them that trusted him, or to inform them what had happened. The lords and commons finding the said proceedings to be a high violation of the Privileges of parliament, of which his majesty had, in several Messages, expressed himself to be so tender; a great infringement of the Liberty of the Subject and the law of the land, which his maj. had so often lately professed should be the rule to govern by, and tending to the endangering of his majesty's person and the kingdom's peace; thought fit, as well for the vindication of their own rights and privileges, and the indemnity of that worthy person employed by them, as for the clearing of their own proceedings, to publish these ensuing votes." [Here the votes, mentioned at p. 1188, are repeated.]

Next follow the Instructions given to these Commissioners, which were not published with the former; viz.

"It is this day ordered by the lords and commons in parliament, That the earl of Stamford, the lord Willoughby of Parham, sir Edw. Ayscough, sir Christ. Wray, sir S. Owfield, and Mr Hatcher, shall forthwith repair into Lincolnshire, and from thence to Kingston upon Hull, and, if there be occasion, to any other parts of Yorkshire, and pursue the directions following: 1. That if any forces are, or shall be, raised or gathered together in the counties of York or Lincoln, either to force the town of Hull, or to stop any of the passages to or from the same, or any other way to disturb the peace of the kingdom, then they, or any three of them, in the name and by the authority of both houses of parliament, shall require the lord lieut. or, in his absence, the deputy lieutenants of either of the said counties, respectively, to suppress and remove all such forces, and to free and keep open all the passages to Hull; and, in performance hereof, shall also require the sheriffs, justices of the peace, and all other his majesty's officers and subjects, in the name of both houses of parliament, to assist therein as oft as they shall see cause. 2. That they shall thank sir J. Hotham, the commanders, and particular soldiers under him, and such of the inhabitants of the town as have observed the command of the parliament, and kept it in pursuance of the same; and shall give them all encouragement to continue their care and fidelity in this service, conducing so much to the safety and peace of the kingdom. 3. They shall, from time to time, certify the houses of all occurrences; and shall all, or any of them, return, as they shall see occasion."

April 29 A message was brought from the commons, to let the lords know, "That they looked upon the late attempt upon Hull to proceed from the effect of some former counsels of the lord Digby's Letters to the Queen: that he being impeached by them of High Treason, and a proclamation sent out to summon him to appear on a certain day, under

Proceedings and Debates of the House of Lords and House of Commons

pain of conviction, and it being now six weeks since, and the said lord Digby not coming in; the commons desire the lords would please to assign a day for them to come up, and demand justice against him." *Assw.* That they will appoint a day, shortly, and give the commons notice of it.

Sir J. Hotham's Letter concerning the King's coming to Hull.] Another Message came up to the lords, by Mr. Hampden, and others, who presented to their consideration a Letter, directed to the Speaker; and, though there was no name subscribed, yet many of the members knew it to be of sir John Hotham's hand-writing, and contained a true Narrative of the whole business concerning Hull. Which letter the lords commanded to be read as follows —

"Sir, I make no question but you have heard, in general, of the business we have had at Hull; you had received the particulars before this, but that all ways have been stopped, for the intercepting my letters. Two posts I have sent expresses, both which were intercepted, and one of them, as I am informed, carried prisoner to York. The parliament, as you well know, hath intrusted me with the safe keeping of this place. their orders I have performed to the best of my understanding, and utmost endeavours, though with some hazard of being misconceived by his majesty. If I have, in any thing, misbehaved myself, or not performed my trust, I shall most willingly submit to their censures: only this I must make my most humble request, if so it may seem good to the wisdom of the parliament, that I may have from them a quick resolution, in such manner as they shall find to be just. I perceive, by some letters sent by his majesty to this town, that he hath advertised the parliament of this action of mine, and hath demanded a punishment against me: I shall intreat the parliament to take into consideration under how deep an accusation I lie, and how unable I shall be to do them service here, if this receive not a speedy resolution.—The manner I shall faithfully (God willing) relate. It was thus. Upon Friday the 23rd of this instant April, an alderman of Hull came to me, and told me, He was newly come from York, and that he was to give me notice that the duke of York, the prince Elector, and my lord Newport, would that night come to Hull, and stay only one night, and go back next day to York. I could have well wished they had taken some other time, but being very desirous to give all the content I could, (my trust always preserved) I gave way to their reception, and had provided, for next day, a dinner, to have given them the best welcome I could. But, late that night, I had some cause of suspicion that they meant not to depart the next day; whereupon I went to my lord Newport, who assured me confidently it was not so, which a while satisfied me; till about 9 of the clock, the duke, prince, and the rest, hang walking in the fort called the South-East, sir Lewis Dives comes in thither, and delivered me a Letter from his majesty; purporting, that he intended to visit his town of Hull and his Magazine there, and that I should provide for the reception of him and his train; that he doubted not of my allegiance, else he must make his way into his town according to the laws of the land. This I confess put me to a great strait: on the one side being most extremely sorry to give his majesty the least cause of offence; on the other side the breach of a trust being, in my sense, so horrid a fact, as after that I should not have wished to live, I then began to put together circumstances, thus: Why such a journey, at such a time as this, should have been undertaken by so great personages, why should they deny their stay, when I had some cause to suspect it was resolved when they came, the numbers coming with them already received into the town, and, lastly, the extreme urging at the messenger, sir Lewis Dives, I had received of the train that came along with them, whether of their servants or not I know not, 45 persons. I well knew a party practising, by papists in Holderness, with some of the town. His majesty had in his train, to the best of all our judgments, 300 horse. I was advertised, (but the certainty I knew not) that 400 horse lay further off. All these put me to a sudden resolution to draw up the bridges, upon certain news of his majesty's approaching; having first sent out a gentleman to his majesty, humbly to intreat his stay to forbear his coming to the town at that time, in regard I might not, will not a breach of that trust committed to me, admit him and his train. This message met him 3 miles off, notwithstanding his may come on to the town gates, and sent for me thither. As I went, I met the mayor and some townsmen assembled to go to his majesty to the gates, whom I commanded to keep their houses; which accordingly they did. and myself went to the town wall next the port, Being there, his majesty demanded entrance. I, in the most humble manner I was able to express myself, begged of his majesty to take my case into his most princely consideration that I had that place delivered me under the sacred name of trust that I could not safely (in, at that time, without incurring to me and my posterity the odious name of a traitor and faith-breaker that he would, for that time, withdraw, and, if my being in this town gave him the least cause of offence, if he would give me leave to advertise the parliament, I should get myself discharged over to come here. but nothing I could say could give any satisfaction to his majesty, who, as well as to myself, endeavoured to persuade all my captains and soldiers; but they were all of one mind with me, faithfully to perform our trust. Some of his majesty's train, with great earnestness, cried out to kill me and throw me over the wall; and they were not a few which did it.—Thus, and some other advertisements I had given of some attempts to be made upon my person, which, though in itself not at all

considerable, yet at this time since that my perishing, by any sudden attempt, would have apparently hazarded the loss of this place, made me enter upon a resolute determination to intreat his majesty at that time to withdraw; and not to admit of his entrance (till I had advertised the parliament thereof) with any considerable company; and also being I saw that, with his presence, the townsmen began to stagger; the mayor, contrary to my command, betog come to the wall, and receiving from his majesty many gracious words. The conclusion was, his majesty, after persuasions would not prevail, caused me, and all that adhered to me, to be proclaimed traitors. Then he retired to a little house, without the walls; and, after one hour's stay, returned and demanded again my resolution. I made the same answer as before; and I think then (but I do not well remember it) he demanded entrance for himself and 20 horse; but in my judgment (as I well saw how the state of affairs stood) being fully satisfied, that if his person were in but with half that number, I was in no ways master of the town; I intreated his pardon in that. Soon after he went away and lodged at Beverley; from whence he sent, next day, two heralds to demand entrance to see his Magazines; but I still intreated his pardon; breach of trust still sounding horrid in my ears. Upon Tuesday after, came one Savage, a knight,[a] and Mr Carey, I know neither of their Christian names. They said, they were sent by the king to deliver a letter to the mayor, and demanded entrance. I told them I would be responsible it should be delivered, which I did. It contained a great length, the chief, as I remember, confirming us all traitors; aggravations of my offence, and that he had advertised his parliament of it to have me punished according to my demerits; with command to the townsmen and soldiers not to obey me, nor to suffer the magazines to be removed. The sheriff, as I hear, hath refused to levy the Posse Comitatus, being it seems he conceives against law. All the gentry and justices are, as I hear, sent for to York. His majesty, at his being at the walls, told me, if I would not let him in, he would raise the Trained-Bands. Sir, as I was writing this, I received a letter by Mr. Askew, for which I must return my most humble thanks, and (God willing) the parliament may rest most assured, that there shall not want my utmost endeavours faithfully to serve them in my life and fortune. I shall desire you will represent to them the absolute necessity of present monies in some good proportion; the necessity of affairs having constrained me to call such other of the county in, as I was hopeful of would be assured to me, though not many, yet so as if they please to take some course for the sea ward, I hope to give a good account of this place. I am sorry to write who were the men; for there were many of those who were at the parliament door, when the king came to the house.

Proceedings of the Commons on the Kentish Petition.] April 30. The commons proceeded further in the affair of the Kentish Petition. Sir Edward Dering's Book of Speeches being lately reprinted, they referred the consideration of that matter to a committee, ordered an impression to be seized, and also to inquire who printed the said Petition, of which several bundles of copies had been found upon some of the petitioners. But notwithstanding these significant Resolutions of the commons, the men of Kent had the courage to come up to London with their Petition for we find in the Journals the following entry, "The house being informed, that divers gentlemen of the county of Kent were at the door, that desired to present a Petition to the house, they were called in, presented their petition, and then withdrew; and their petition was read, and appeared to be the same that was formerly burnt, by order of both houses, by the hands of the common hangman." Hereupon some of the petitioners were called in, and examined; capt. Lovelace, who said he preferred the Petition by command of the gentlemen assembled at Blackheath, was committed to the Gatehouse at Westminster, Mr Boteler, who was also concerned therein, having been at York since the assizes at Maidstone, was committed to the Fleet but, the other gentlemen that presented the said Petition being called in, Mr. Spenker, by command of the house, told them, "The house has considered of the Petition that you presented. And they know you cannot be ignorant what opinion both houses have formerly expressed of the same Petition yet, considering that you are young gentlemen, misled by the solicitation of some not affected to the peace of the kingdom; and that, howsoever they intend to proceed against the chief agents and prime actors in this business, yet they are willing that you should be dismissed, hoping that you may hereafter prove good members of the commonwealth."

The King's second Message, demanding Satisfaction against Sir J. Hotham.] Two Messages from the King were this day delivered to the lords by the lord keeper the one about the Hull affair, and the other concerning the Militia bill; viz.

"We are so much concerned in the unlawful affront (an indignity all our good subjects must disdain in our behalf) we received from sir John Hotham at Hull, that we are impatient till we receive justice from you, and are compelled to call again for an answer; being confident (however you would be so careful, that without our consent, to put a garrison into our town, to secure it and our Magazine against any attempt of the Papists) that you never intended to dispose and maintain it against us your sovereign therefore we require you further with, for the business will admit no delay, that

[a] The earl of Newcastle in disguise, as mentioned in the foregoing Declaration. Rushworth, vol. v. p. 566.

you take some speedy course that our said town and Magazine be immediately delivered up into us; and that such severe exemplary proceedings be against those persons, who have offered us this insupportable affront and injury, as by the law is provided; and till this be done, we shall intend no business whatsoever, other than the business of Ireland; for if we are brought into a condition so much worse than any of our subjects, that, whilst you all enjoy your privileges, and may not have your possessions disturbed, or your rules questioned, we only may be spoiled, th own out of our towns, and our goods taken from us, it is time to examine how we have lost those privileges, and to try all possible ways, by the Law of God, the law of the land, and the affection of our good subjects, to recover them, and vindicate ourself from those injuries. And if we shall miscarry herein, we shall be the first prince of this kingdom that hath done so having no other end, but to defend the true Protestant Profession, the Law of the Land, and the Liberty of the Subject, and God so blend with us, as we continue in these resolutions. Given at our Court at York, April 21st, 1642."

The King's Reasons for refusing to pass the Militia Bill.] The second Message is this:

"We have, with great deliberation and prudence, weighed and considered of concerning us much to weigh the consequents of ev law before we pass it; your ill late carri for the settling of the Militia in Ireland it hath not been usual to grant any re our refusal to pass any bill, tending to in our power to pass or not pass such unto us by you, if we conceive it prejudicial ours to, or inconsistent with our subjects whom we are trusted, and must one day an account of it in this business of the Militia, which being misunderstood among good subjects, hath been used as an argument we were not bright enough in the public safety and how we should have less consideration for our resolutions, and less to be the same we send unto you, we have thought fit to give you, and all the world, particular satisfaction why we cannot, right in, must not, pass the bill. Upon the first publishing bill, to our general grief, we have refused to parliament and the reasons must compliment That having expressed ourself so clearly and particularly to you in this point, you should press any thing upon us, which you told us I foresee that we must refuse, except we departed from those resolutions, grounded upon such reason, we had so earnestly before acquainted you with, and against which you have not given one argument to satisfy our judgment.—We are pleased that you have declined the unwarrantable course of your Ordinance, (to the which we are confident our good subjects would never have yielded consent) and chosen this only right way of imposing on our people, which we would have allowed but for the reason hereafter mentioned.—We refused to consent to your Ordinance, in for other things, so far that the power was put into the persons nominated therein by direction of both houses of parliament, excluding us from any power in the disposal or execution of it together with you. We then advised you, for many reasons, that a bill should be prepared, and after, in our Answer of the 26th of March last to the Petition of both houses, we told you, if such a bill should be prepared with that due regard to us, and care of not people in the limitation of the power and other circumstances, we should receive from nothing we formerly expressed. What passed enough to have discouraged us from being further solicitous in that argument) after our full and gracious Answers, we are content to forget.—When we resolved in our Journey into Ireland (so that by reason of our absence there might be no want of settling that power, besides complying with your fears) we sent, together with a Message of that our purpose, a Bill for the settling that power for a year, hoping in that time to return to you, and being sure that, in much less time, you might do the business for which you seemed at first to desire this; which was, That you might securely consider our Message of the 20th of Jan. last. By that bill we confined to those persons you proposed in your Ordinance; and, in the limitation of the power, we provided that ourself should not be able to execute any thing but by your advice, and when we should be out of the kingdom the sole execution to be in you; with many other things of so arbitrary and uncircumscribed a power, that we should not have assented to, but with reference to the absence of our own person out of the kingdom; and therefore it the more sufferable, in regard the time was but for a year, whether or no the Bill you have now sent us to pass, and the world judge.—You have, by this bill now tendered to us, without taking notice of, put the power of the whole kingdom, the lives and liberties of the subjects of all degrees and qualities, into the hands of particular persons for two years. Can you imagine we will trust such an absolute Power in the hands of particular persons, which we refused to commit to both houses of parliament? Nay, such a power is not too absolute, too unlimited to be committed into any private hands? Hath the late Sir John Hotham's high insolency taught us what we may expect from an exorbitant height of power, when he, by a power not warrantable by law, dares venture upon a treasonable disobedience?—But we would willingly know (and indeed such an account in ordinary civility we might have expected) why we are, by this act, absolutely excluded from any power or authority in the execution of the Militia? Sure your Fears and Jealousies are not of such a nature, as are capable of no other Remedy, than by leaving us no power in a point of the greatest importance in which God and the law hath trusted us solely, and which we were contented to share with you by our Bill, by putting it, and a greater, into the

hands of particular subjects. What would all Christian princes think of us, after we had passed such a bill? How would they value our sovereignty? And yet sure our reputation with foreign princes is some ground of your security. Nay, we are confident, by that time you have thoroughly considered the positive consequence of the bill upon yourselves, and the rest of our good subjects, you and they will give us thanks for not consenting to it, finding their condition, had it passed, not to have been so pleasing unto them. We hope this animadversion will be no breach of your privileges In this throng of business, and distemper of affections, 'tis possible second thoughts may present somewhat to your considerations which escaped you before.—We passed, this parliament, at your entreaty, a bill concerning the Captives of Algiers; and waved many objections of our own to the contrary, upon information that the business had been many months considered by you. Whether it prove suitable to your intentions, or whether you have not, by some private orders, suspended that act of parliament, upon view of the mistakings, you best know; as likewise what other great alterations you have made in other bills passed this sessions. We cannot pass over the putting their names out of this Bill whom, before, you recommended to us in your Ordinance; it seems not thinking fit to trust those who would obey no guide but the law of the land; (we imagine you would not wish we should, in our estimation of others, follow that your rule) and the leaving out, by special provision, the present lord mayor of London, as a person in your disfavour, whereas we must tell you, his demeanor has been such, that the city and the whole kingdom is beholden to him for his example *.—To conclude; we do not find ourself possessed of such an excess of power, that it is fit to transfer, or consent it should be in other persons, as is directed by this bill: and therefore we shall rely upon that royal right and jurisdiction, which God and the law hath given us, for the suppressing of rebellion, and resisting foreign invasion, which hath preserved this kingdom in the time of all our ancestors, and which we doubt not but we shall be able to execute and not more for our own honour and right, than for the liberty and safety of our people, we cannot consent to pass this Bill."

The two foregoing Messages being read, the lords took them both into serious consideration, and resolved to have a conference with the commons about them. The lord keeper was appointed to open the conference, and the earl of Essex to tell the commons, That this house conceived these Messages proceeded from the destructive counsels and advice of evil and wicked men about the king, therefore to desire them that the parliament might speedily consider of naming those ill counsellors, and that some course may be taken to have them, wheresoever they are within the king's dominions, that so they may be brought to condign punishment.—This conference being held, and the commons returned to their own house, they soon after sent up a message to the lords, importing, That they did agree in the matter of the last conference, about the king's two Messages; and had appointed a committee of their members to join with another of the lords, to consider what was fitting to be done in this business; with a larger power to take into consideration also, any thing else which concerns the safety of the kingdom; and that they might meet immediately. Also the commons desired their lordships would put the Ordinance for settling the Militia, into present execution. The lords agreed to both these articles, and ordered accordingly. Notwithstanding which the execution thereof went on but slowly; some of the lords, appointed lieutenants therein, not being fond of their new offices. For we find, by the Lords Journals, that the marquis of Hartford, who had been nominated lieutenant of the county of Somerset, sent a message to the lords, That he should be very glad to obey the house, and to serve the commonwealth in what he may, but desires, at this time, to be excused accepting of the lieutenancy, for this reason, That he was not at the debate of the Militia, and therefore is utterly ignorant of what passed in it, and that unless the king gives his consent to it, he hopes their lordships will not impose it upon him: hereupon the earl of Bedford was appointed in his Place. The lord Strange desiring to be excused from accepting the lieutenancy of Cheshire and the earl of Cumberland that of Westmoreland, the lord Say and Sele was nominated in the one, and lord Hastings to the other. The earl of Lincoln declared himself ready to obey the commands of parliament; but, in regard that no counties were divided but that of Lincoln, he desired to be excused: hereupon the lord Willoughby of Parham was appointed lieutenant of that whole county. The lord Paget, also, who had accepted the lieutenancy of Buckinghamshire, (and even appointed his deputies, as Mr Whitlocke informs us) threw up his commission. This lord had, most zealously, concurred with the parliament in all their late measures: the Reasons for his sudden change of conduct will appear, from his own Letter in the sequel.

The Parliament's Second Declaration concerning Hull.] Another conference was this day held between the two houses, in which the commons presented a second Declaration which had passed their house, to which they desired the lords concurrence. It was to this effect:

"The lords and commons in this present parliament, being informed that, upon the 23rd of

* Sir Richard Gourney, who had remarkably distinguished himself against the tumults raised about the time of passing the earl of Strafford's bill. He was rewarded with the office of lord mayor, &c. by the parliament.

the Instant April, his majesty repaired to the town of Hull, and demanded it to be delivered up to him, and being denied by sir J. Hotham, appointed by both houses to keep that town, for the safety and peace of the kingdom, his majesty said, 'That it was I. Hotham would not let him into the town, he would raise the Trained-Bands and force him to it.' And being further informed, That, shortly after, the sheriff of Yorkshire did receive a Message importing a command from his majesty to raise the Trained-Bands and power of the county, and that the justices of the peace, and gentlemen of it, have been summoned to attend his majesty at York, as they have cause to believe, for the same purpose; to the great terror of his majesty's subjects in those parts, and the disturbance of the public peace. The Lords and commons do declare, That the said command to the sheriff, and the summoning the justices of peace, &c. to the purpose aforesaid, is against the laws of the land, and the liberty of the subject; and very derogatory from the honour and power of the parliament, now sitting, being his majesty's great council, and most ready and willing to advise and assist him in all things that may tend to the honour and safety of his person, the weal and happiness of the church and state. And they further declare, That if any persons whatsoever, in the said county of York, or elsewhere, shall advise or assist in the raising of any forces to the purpose afore-said, they shall be deemed as disturbers of the course in peace, and enemies to the king and state; and shall receive such severe punishments as is, by the laws of this land, are to be inflicted on offenders of such high nature.'—Voted to the lords.

A Counter Petition [to the King from the Gentry of the Yorkshire Gentry &c.] At a grand conference held this day [illegible] presented to their lordships [illegible] Hotham delivered to [illegible] knights gentry, [illegible] county of York. The Petition [illegible] ferent system from [illegible] petition, there as the book of [illegible] entirely, wh took upon them [illegible] humble duty which [illegible] houses next prepare [illegible] for his resolution [illegible] to the Petition from [illegible] ing the Magazine [illegible] foment divisions between [illegible] council. They desire [illegible] himself to all good [illegible] duties, which, by the laws of God and man they owed, and which [illegible] last Protestation, might not become a needless proposition; since the defence of his majesty's person, honour and estate, the power and privileges of parliament, and the [illegible] and liberties of the subject, taken jointly, did all serve to strengthen each other, which they would equally labour to preserve in the exercise of their powers, lives, and estates. After this were read some Propositions made by the king to those Yorkshire gentlemen, and their Answer to them. The substance of the first was, To know whether they would defend his majesty's royal person from violence, according to their duty, or not? And to have their advice concerning his not being admitted into his town of Hull; how his majesty may be vindicated in his honour for the affront; and how he may be put in possession of his own. To which they answered,

"May it please your most sacred majesty; We shall be ready to defend your majesty's person from violence, by all such ways as the laws and our duty binds us, and for the means to vindicate your majesty's honour, and put you into possession of your town, we conceive the best advice we can offer is, humbly to desire your majesty to hearken to the counsel of the parliament, who, we assure ourselves, will be careful of your majesty's person and honour, and to whom you have been pleased to direct a Message."

A Committee of both Houses appointed to go into Yorkshire.] On consideration of these, the commons said, 'That they desired the lords to join with them in returning thanks to the Yorkshire gentry, for their conduct in this affair, and especially to the then high sheriff, sir Rd Hutton sir H. Cholmley, and Mr Pelham, two members of their house.' Likewise the commons said it was fit and necessary to send down some of their members, as a committee into Yorkshire, with instructions from both houses, and they leave it to their lordships judgment, whether they would send any members of their house to join with them. The desired that the committee of both houses, by appointment, might meet and consider of an Answer to the king's last Message concerning Hull &c." All this was agreed to by the Lords; and the Earl Howard of Escrick was appointed to go with a commission to the gentlemen of York.

Ireland.] On a motion in parliament, for a present supply of money for the Irish against the rebels in Munster, it was resolved in the affirmative, and ordered to be brought in. Mr Pym was ordered to prepare a Declaration to be sent to the earl of Ormond, lord lieutenant of Ireland concerning the Irish affairs, and to send it to the lords for their concurrence. He was afterwards ordered to draw up a Declaration to be presented to the king, to make the said entry in the Council-book.

[Some Remarks on the] May 5. On the humble Petition of the 12 Bishops, imprisoned now in the Tower [illegible] 18 weeks they were released by the lords, upon bail. The ship of York and her [illegible] were found in [illegible] and he ordered [illegible] to go to sea [illegible] during the dissolution of that [illegible]

The Parliament's Answer to the King's Refusal [illegible] The lords, having considered the [illegible] Declaration [illegible] with some small amend-

ments to it; which being agreed to, it was this day read in the house of lords in hæc verba.

"The lords and commons holding it necessary, for the peace and safety of this kingdom, to settle the Militia thereof, did, for that purpose, prepare an Ordinance in parliament; and, with all humility, did present the same to his majesty for his royal assent; who, notwithstanding the faithful advice of his parliament, and the several reasons offered by them of the necessity thereof, for the securing of his majesty's person, and the peace and safety of his people, did refuse to give his consent; and thereupon they were necessitated, in discharge of the trust reposed in them as the representative body of the kingdom, to make an Ordinance, by authority of both houses, to settle the Militia, warranted thereunto by the fundamental laws of the land: His maj. taking notice thereof, did, by several Messages, invite them to settle the same by act of parliament, affirming in his Message, sent in Answer to the Petition of both houses, presented to his majesty at York the 26th of March, 'That he always thought necessary the same should be settled, and that he never denied the thing, only denied the way; and for the matter of it, took exceptions only to the preface, as a thing not standing with his honour to consent to; and that himself was excluded the execution, and for a time unlimited.' Whereupon the lords and commons (being desirous to give his maj. all satisfaction that might be, even to the least tittle of form and circumstance) when his maj. was pleased to offer them a bill ready drawn, did, for no other cause than to manifest their hearty affection to comply with his majesty's desires and obtain his consent, entertain the same; and in the mean time no way declining their Ordinance, and to express their earnest zeal to correspond with his majesty's desire (in all things that might consist with the peace and safety of the kingdom, and the trust reposed in them) did pass that bill; and therein inserted the preamble inserted before the Ordinance, limited the time to less than two years, and confined the authority of the lieutenants to these 3 particulars, namely, Rebellion, Insurrection, and foreign Invasion; and returned the same to his majesty for his royal assent. But all these expressions of affection and loyalty, all these desires and earnest endeavours to comply with his majesty, have, to their great grief and sorrow, produced no better effect than an absolute denial even of that which his majesty, by his former Messages, as we conceive, had promised; the advice of evil and wicked counsels receiving still more credit with him than that of his great council of parliament, in a matter of so high importance, that the safety of his kingdom, and the peace of his people, depends upon it. But now, what must be the exceptions to this Bill? Not any sure, that was to the Ordinance; for care was taken to give satisfaction in all those particulars. Then the exception was, 'Because that the disposing and execution thereof was referred to both houses of parliament, and his maj. excluded.' and now, That, by the bill, the power and execution is ascertained and reduced to particulars, and the law of the realm made the rule thereof, his maj. will not trust the persons! the power is too great, too unlimited to trust them with. But what is this power? Is it any other, but in express terms to suppress Rebellion, Insurrection, and foreign Invasion? and who are those persons? are they not such as were nominated by the great council of the kingdom, and assented to by his majesty? and is it too great a power to trust those persons with the suppression of Rebellion, Insurrection, and foreign Invasion? surely the most wicked of them that advised his majesty to this Answer cannot suggest but that it is necessary, for the safety of his majesty's royal person and the peace of the kingdom, such a power should be put in some hands; and there is no pretence of exception to the persons.—His majesty, for the space of above 16 years together, thought not a power far exceeding this to be too great to intrust particular persons with, to whose will the lives and liberty of his people, by martial law, were made subject; for such was the power given to lord lieutenants and deputy lieutenants in every county of this kingdom, and that without consent of his people or authority of law: but now, in case of extreme necessity, upon the advice of both houses of parliament, for no longer space than two years, a lesser power, and that for the safety of king and people, is thought too great to trust particular persons with, though named by both houses of parliament, and approved of by his maj. himself.—And surely, if there be a necessity to settle the Militia, (which his maj. was pleased to confess) the persons cannot be intrusted with less power than this to have it at all effectual. And the precedents of former ages, when there happened a necessity to raise such a power, never stretched that power to a narrower compass; witness the Commissions of Array in several king's reigns, and often issued out by the consent and authority of parliament.—The lords and commons therefore, intrusted with the safety of the kingdom and peace of the people (which they call God to witness is their only aim) finding themselves denied these their so necessary and just demands, and that they can never be discharged before God or man, if they should suffer the safety of the kingdom and peace of the people to be exposed to the malice of the malignant party at home, or the fury of enemies from abroad; and knowing no other way to encounter the imminent and approaching danger, but by putting the people into a fit posture of defence, do resolve to put their said Ordinance in present execution; and do require all persons in authority, by virtue of the said Ordinance, forthwith to put the same in execution, and all others to obey it, according to the fundamental laws of the kingdom in such cases; for they tender the upholding of

the true Protestant religion, the safety of his majesty's person and his royal posterity, the peace of the kingdom, and the being of this common-wealth."

This Declaration was ordered to be forthwith printed and published, and warrants were issued for exercising the Militia, throughout the kingdom *.

The Parliament's Answer to the King's Messages concerning Sir John Hotham.] Next the Answer to the King's two Messages about sir J. Hotham and Hull was read, and the Commissioners Instructions, which were both as follows:

The most Humble ANSWER of the LORDS and COMMONS in Parliament to two Messages from your sacred Majesty, concerning Sir J. Hotham's Refusal to give your Majesty Entrance into the Town of Hull.

"Your majesty may be pleased to understand, that we, your great council, finding manifold evidences of the wicked counsels and practices of some in near trust and authority about you, to put the kingdom into a combustion, by drawing your majesty into places of strength, remote from your parliament, and by exciting your people to commotions, under pretence of serving your maj. against your parliament: lest this malignant party, by the advantage of the town and magazine of Hull, should be enabled to go through with their mischievous intentions, did in discharge of the great trust that lies upon us, and by that power which, in cases of this nature, resides in us) command the town of Hull to be secured by a garrison of the adjoining Trained Bands under the government of sir J. Hotham, requiring him to keep the same for the service of your maj. and the kingdom; wherein we have done nothing contrary to your royal sovereignty in that town, or legal property in the magazine. Upon consideration of sir J. Hotham's proceedings at your majesty's being there, we have, upon very good grounds apprehended, That he could not discharge the trust upon which, and make good the end for which he was placed in the guard of that town and magazine, if he had let in your majesty, with so small assistance and company as you then had in—Wherefore, upon full information of both houses, we have declared sir J. Hotham to be clear of that odious crime of treason, and have resolved, That he hath therein done nothing but obedience to the command of both houses of parliament, assuring him, that in this future deliberation, your maj. will not interpret his obedience to such authority to be an affront to your majesty, or to be of that nature as to require any justice to be done upon him, or satisfaction to be made to your majesty, but that you will see just cause of joining with your parliament, in preserving and securing the peace of the kingdom; suppressing this wicked and malignant party, who, by false colours and pretensions of maintaining your majesty's prerogative against the parliament, wherein they fully agree with the rebels in Ireland, have been the causes of all our distempers and dangers—For prevention whereof we know no better remedy, than settling the Militia of the kingdom according to the Bill which we have sent your majesty, without any intention of deserting or declining the validity or observance of that Ordinance, which past both houses upon your majesty's former refusal, but we still hold that Ordinance to be effectual by the laws of this kingdom—And we shall be exceeding glad, if your majesty, by approving these our just, dutiful and necessary proceedings, shall be pleased to entertain such counsel, as we assure ourselves, by God's blessing, will prove very advantageous for the honour and greatness of your majesty, and the safety and peace of your people; amongst which we know none more likely to produce such good effects, than a Declaration from your maj. of your purpose to lay aside all thoughts of going into Ireland; and to make a speedy return into these parts, to be near your parliament: which, as it is our most humble desire and earnest petition, so shall it be seconded with our most dutiful care for the safety of your royal person; and constant prayer that it may prove honourable and successful, in the happiness of your majesty and all your kingdoms."

The Parliament's Instructions to the Yorkshire Committee.] Then follow the Instructions, viz

INSTRUCTIONS for Edw. lord Howard, Ferdinando lord Fairfax, sir Hugh Cholmley, sir Philip Stapylton, sir Henry Cholmley, Commissioners both Houses of Parliament, or any three of them.

1. You shall in the name of both houses, declare and publish unto the sheriff of the county of York, the knights, gentlemen, and others, his majesty's subjects in that county, That sir J. Hotham was, by the ordinance of the two houses of Parliament upon Hull, and the Magazine there for his majesty's service and the peace of the kingdom, which, otherwise, would have been much endangered; and that what he hath done therein, what hath since been done there by him, hath been necessary in pursuance of these directions, and is by us avowed and approved of, as warranted by the authority of both houses of parliament. 2. You shall further take care, that such Resolutions and Ordinances both houses have or shall be sent down, be put in execution, and shall require the sheriffs, justices of the peace, and all other his majesty's officers and loving subjects, to be aiding and assisting unto you for that purpose. 3. You shall take care, that those be punished for the forcing the town of Hull or otherwise to disturb the peace of the kingdom, and, as

* Lord Clarendon observes hereupon, That thus being the first Order for printing without a previous communication or presentment to the king, his majesty was much troubled how to take proper notice of it.

case any be raised, you shall require the sheriff, in the name of both houses, to command them to disperse themselves; and, if they refuse so to do, that then the sheriff, by the same authority shall forthwith raise the power of the county for the suppressing of them; and you shall likewise by the same authority require the lord lieutenant, appointed by the Ordinance of Parliament, and, in his absence, the deputy lieutenants, to draw together the Trained Bands, for the assistance of the said sheriff in so doing. 4. Whereas we are informed, That his majesty did, at York, propound unto the knights and gentlemen of that county, there assembled by his command, that they would join with him for the defence and assistance of his own person you shall declare unto them, and all others, That it hath ever been, and still shall be, the chief care and endeavour of the parliament to provide for his majesty's safety; and that they do not know of any evil intended unto his royal person, which should move him to take such a course that his greatest safety is in the affection, duty, and faithful advice of his parliament; and his greatest danger in his withdrawing himself from them, and proceeding in ways contrary to them so as the disaffected and malignant party, under colour of his service, go about to raise a faction and a party against the parliament; which, at last, may break out into an open rebellion, to the destruction both of king and people, if it be not, through the blessing of God, prevented by the wisdom and authority of parliament. 5. That, in case there be a necessity for raising the forces of the county for the suppression of any insurrection and keeping the peace, you shall require sir John Hotham to deliver such proportion of arms and ammunition out of the magazine there, as shall be necessary for that service and you shall publish and declare, That the parliament holds it lawful and necessary, to dispose of the public magazines of the kingdom for the defence of the kingdom, as likewise for the suppression of the rebellion in Ireland, which doth so much concern the safety of this kingdom but that it is their intention, and resolution, to store them again; as holding it fit such a proportion shall still be in readiness, upon all occasions, for the service of the king and defence of the commonwealth. 6. Whereas we are informed, That divers persons, summoned to appear at this parliament, have received a command under his majesty's hand, not to come there, but to abide still near his majesty's person, for which service we conceive them to be of all others the most unfit, and that the sheriff hath also been commanded, by his majesty, not to execute any warrant or order upon them you shall let the sheriff know, That the houses of parliament will expect that their orders and commands shall be obeyed, the same being his majesty's authority signified by his highest court; and that any restraint, or command, to the contrary, is against law and the privilege of parliament. 7. You shall endeavour to clear the proceedings of parliament from all imputations and aspersions, and shall, from time to time, certify us of all things you may conceive necessary for the present service and, that we may have a speedy account of it, and that our directions to you, as well as your advertisements to us, may have a clear and ready passage, you shall lay a strict charge upon all post-masters, that they do not suffer any letters, or other dispatches directed to or from the parliament, to be intercepted or stayed: and, if any shall presume to make such stay of those dispatches, you shall direct the post-masters to repair to the justices of peace, constables, and all other officers, for their aid and assistance; who are hereby required to take special care there may be no such interruption. 8. You shall observe and execute all such farther directions and instructions, as you shall, from time to time, receive from both houses of parliament."

The Marq. of Hertford's Letter concerning the Prince of Wales] May 6. The earl of Essex presented a Letter to the lords, which he had received from the marquis of Hertford, governor to the prince of Wales, which was read to this effect:

"My noble lord; It being expected from me that I should give Answer to the house of peers, whether I would undertake that the prince should not be conveyed out of this kingdom, I humbly desire your lordship to make this Answer from me, That I will undertake that the prince shall go no farther than his majesty goeth, for so it hath pleased him to assure me; and that he shall not stir from him. For any other undertaking I utterly disclaim it, as being a thing out of my power, and, consequently, a great rashness and presumption in me to undertake. Thus much I once more humbly pray your lordship to present, with my humble and earnest desire that the Order may be taken off, which may be so prejudicial to me, especially since I have so far declared myself. God remove all jealousies from us, and put a true understanding between the king and his parliament, which shall ever be the earnest and hearty prayer of your lordship's most faithful brother, and humble servant, HERTFORD. York, May 5, 1642."

This Letter was referred to a committee of both houses, to consider what was to be done concerning the Prince's stay in England.

The King's Answer to the Parliament's Votes and Declarations concerning sir J. Hotham and Hull] May 7. This day the lord keeper presented to the lords a Letter he had received from the king, with a Message inclosed; which he said he was commanded to deliver to them, and which was read in these words.

"Since our gracious Message of the 24th of April last, to both houses of parliament (demanding justice for the high and unheard-of affront offered unto us at the gates of Hull by sir John Hotham) we not thought worthy of

an Answer; but that, instead thereof, they have thought fit, by their printed Votes of the 28th of April last, to own and avow the unparalleled act of sir J. Hotham's to be done in obedience to the command of both houses of parliament, though at that time he could produce no such command; and, with other Resolutions against our proceedings there, to publish a Declaration concerning that business, as an appeal to the people; as if their intercourse with us, and for our satisfaction, were now to no more purpose though we knew the course of theirs to be very unagreeable to the modesty and duty of former times, and unwarrantable by any precedents but what themselves have made, yet we are not unwilling to join issue with them in this way, and to let all the world know, how necessary, just, and lawful all our proceedings have been in this point, and that the defence of these proceedings is the defence of the law of the land, of the liberty and property of the subject, and that by the same rule of justice, which is now offered to us, all the private interest and title of all our good subjects to all their lands and goods are confounded and destroyed. Mr Pym himself tells you, in his Speech against the earl of Strafford (published by the Order of the house of commons) 'The law is the safe guard, the custody of all private interests, your honours, your lives, your liberties, and estates consist in the keeping of the law, without this, every man hath a like right to any thing.' Now it would fain be answered, What title any subject of our kingdom hath to his house or land, but to have not to our Town of Hull? Or what right he hath to his money, plate, jewels, but we have not to our Magazine there? If we had our said right, it would know when we lost it? And if that magazine and munition, bought with our own moneys, were ours, who and how that property went out of us? We never read in the ancient and unlimited power of a parliament, but we know as well, that it is only in that sense as we are a part of that parliament. What use, and against our consent, the Votes of both houses ingeit or must not, cannot, and not all we can help it, for our subjects (as well as our own) forbid any thing that is not joined by the law, or enjoin any thing that is forbidden by the law; but, in any such alteration which may be for the peace and happiness of the kingdom, we have not, shall not, refuse to consent: and we doubt not but that all our good subjects will easily discern in what a miserable insecurity and confusion they must necessarily and inevitably be, if descents may be altered, purchases avoided, assurances and conveyances cancelled, the sovereign legal authority despised and resisted, by Votes or Orders of either, or both houses: this, we are sure, is our case at Hull; and as it is ours today, by the same rule it may be theirs to-morrow.—Against any desperate designs of the Papists we have sufficiently expressed our zeal and intentions, and shall be as forward to adventure our estates, life and fortune to oppose any such designs as the meanest subject in our kingdom. For the Malignant Party, — the law hath armed to our knowledge, and their condition is such, as both neither house presented them to us under such a notion as we may well understand whom they intend; and we shall be forward even to enter into arms, the meanest party under the conduct of persons disaffected to the peace and government of the kingdom, and such who, neglecting and despising the law of the land, have given themselves other rules to walk by, and so professed with their obedience and loyalty; of these persons, as there may be some common wealth, we shall take all possible caution. —What any Letters intercepted from the lord Digby (wherein he mentions no retreat to place of safety should hinder us from using our own port, and how we have expressed it was accommodation with our parliament and what ways and overtures have been offered in any way, or like any desire of such accommodations, or whether our Message of the 30th of Jan. last, sent to your presence by us, have not sufficiently expressed our earnest desire to, let all the world judge. Neighbours to the power of our persons to incline us to take arms against our parliament and our good subjects, and more to a general than a neighbour's ordinary. We use our utmost endeavour to the world knows much against our heart to shed blood at this time of distraction and war, and let God and the world judge, in our care and endeavours, only to maintain the peace of the kingdom, as established by the laws of the land, and our religion professed in it, and to keep our town and forts, and Magazine there, and Corn Wars shall require, to whose account the blood and destruction that must ensue God knows, and the world shall be clear. [illegible] Lords and Commons [illegible] to that breach, by the way, this is the first time we ever heard that it was accused for the [illegible] up the town against the parliament, in the sense we now that [illegible] against him or for the militia. Now, sir, [illegible] by your answer and instructions, we asked a question [illegible] answer in both houses concerning the Magazine at Hull, which we have [illegible] necessary to be answered: 'Why the general rumour of the designs of Papists in the Northern parts should not be thought sufficient ground for us to put in such a place of honour, fortune, and indemnified reputation, as the earl of Newcastle is known to be, into a town and fort of our own, where our own Magazine lay; and yet the same rumour be warrant enough to commit the same town and fort, without our consent, to the hand of sir J. Hotham, with such a power, as is now well known and understood?' How our refusal to have that Magazine removed, upon the Petition of both houses, could give an advantage against us to have it taken from

us, and whether it was a refusal, all men will easily understand who read our Answer to that Petition, to which it hath not been yet thought fit to make any reply.—For the conclusion of those persons who presented the Petition to us at York, (whom that Declaration calls, 'Some few ill-affected persons about the city of York') to continue the Magazine at Hull; we make no doubt but that Petition will appear to be attested, both in number and weight, by persons of honour and integrity, and much more conversant with the affections of the whole county, than most of those Petitions which have been received with so much consent and approbation: and for their presumption of interposing their advice, we the more wonder at that exception, when such encouragement hath been given, and thanks declared, to multitudes of mean and unknown People, Prentices and Porters, who have accompanied Petitions of very strange natures.—For the Manner of our going to Hull, we have clearly set forth the same in our Message to both houses on that business, and for any intelligence given to sir J. Hotham, of an intention to deprive him of his life, as we know there was no such intention in us, having given him all possible assurance of the same at our being there; so we are confident no such intelligence was given, or if it were, it was by some villain, who had nothing but malice, or design to fright him from his due obedience, to warrant him. And sir J. Hotham had all the reason to assure himself, that his life would be in much more danger by refusing to admit his king into his own town and fort, than by yielding him that obedience, which he owed, by his oaths of allegiance and supremacy, and the protestation, and he well knew was due and warrantable by the laws of the land.—For the Number of our Attendants, (though that could be no warrant for such a disobedience in a subject) it is well known, as we expressed to our Message to both houses, to which credit ought to have been given, that we offered to go into the town with 20 horse only, our whole train being unarmed and whosoever thinks that too great an attendance for ourself and our two sons, have sure an intention to bring us to a meaner retinue than they yet will allow.—Here then is our case, of which let all the world judge: we endeavoured to visit a town and fort of our own, wherein our own Magazine lay; a subject, in defiance of us, shuts the gates against us; with armed men resists, denies, and opposes our entrance; tells us, in plain terms, we shall not come in. We do not pretend to understand much law, yet, in the point of Treason, we have had much learning taught us this parliament; and if the sense of the statute, 25 Edw. 3. c. 2. be not very different from the letter, sir J. Hotham's act was no less than plain high treason: and we had been contemptibly stupid, if we had, after all those circumstances of grace and favour then shewed him, made any scruple to proclaim him traitor; and whether he be so or no, if he shall render himself, we will require no other trial, than that which the law hath appointed to every subject; and which we are confident we have not, in the least degree, in those proceedings violated, no more than we have done the privileges of parliament by endeavouring, in a just way, to challenge our own unquestionable privileges: for that in such a case, the declaring him traitor, being a member of the house of commons, without process of law, should be a breach of privilege of parliament (of which we are sure none extends to treason, felony, or breach of the peace) or against the liberty of the subject, or against the law of the land, we must have other reasons than bare Votes.—We would know if sir J. Hotham had, with those forces by which he kept us out of our town of Hull, pursued us to the gates of York, which he might as legally have done, must we have staid from declaring him traitor, till process of law might have issued against him? Will fears and jealousies dispense with real and necessary forms; and must we, when actual war is levied upon us, observe forms which the law itself doth not enjoin? The case is truly stated; let all the world judge (unless the mere sitting of a parliament doth suspend all laws, and we are the only person in England against whom treason cannot be committed) where the fault is: and whatsoever course we shall be driven to for the vindication of this our privilege, and for the recovery and maintenance of our known and undoubted rights, we do promise, in the presence of Almighty God, and as we hope for his blessing in our success, that we will, to the utmost of our power, defend and maintain the true Protestant Profession, the Law of the Land, the Liberty of the Subject, and the just Privileges and Freedom of Parliament.—For the Order of Assistance given to the committees of both houses, concerning their going to Hull, we shall say no more, but that those persons, named in that Order, we presume will give no commands, or our good subjects obey, other then what are warranted by the law, how large and unlimited soever the Directions are, or the Instructions may be; for to that rule we shall apply our own actions, and by it require an account from other men. And that all our good subjects may the better know their duty in matters of this nature, we wish them carefully to peruse the statute in the 11th year of Hen. 7 c. 1. We conclude with Mr Pym's own words 'If the prerogative of the king overwhelm the liberty of the people, it will be turned to tyranny: if liberty undermine the prerogative, it will grow into anarchy. And so we say into confusion."

The lords taking this Message into consideration, were of opinion, That it was the fruits of the evil Counsels and Advice about the king; and therefore resolved to communicate the same to the commons, at a conference: and to move that the house may speedily think of naming such persons as are the evil counsellors about his majesty, that so

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course may be advised how to remove from hun- accordingly their lordships sent the commons, to desire a conference on a ... received from the king, of a very ... nature, at which a committee of both houses was appointed to prepare a speedy Answer.—In the report of this conference, made by ... Hobbs of the commons, he observed, That the earl of Essex said in it "That the king observed those Messages from the king to go higher and higher, and desired the king to be of that goodness, that they came not from himself; but from such as are malevolents, and that endeavour to raise division between the king and parliament. That the lords had formerly moved them to unite their counsellors, and did now press it again, and were ready to join with them in it, and did now lay it at their doors, the commons being the representative body of the kingdom, and were most ... to it.—Upon the motion made in ..., to send up and the Monday following for considering the two Counsellors and indictment. Parts of the king, but we do not find any thing further done in this affair.

Sir H. Lulle ... *to Speaker her reflecting* ... *king.* ... except this one exception here, I can't see it ... finds spoke by sir Henry Lullon, he explained himself, and withdrew.* And the house ... and ... his interest ... to be called to his ... And Mr. Speaker ... him ... word ... respect ... the king ... which words ... from him, that ... upon his ... person, he ... that ... a ... and ... this ... a ... It is ... to the ... what the words were ... the king's Declaration of August the ... third ... they are said to be that, "... that ... not worthy to be king of England.

The Scots Privy Council's Opinion as to the King's going to Ireland. ... His Majesty's Message to the parliament, concerning his going into Ireland, having been read, to purpose to be communicated to the privy council in Scotland, their Opinion thereupon was ... read in the house of lords, and ... as follows:

"The lords of the privy council of the kingdom of Scotland, in a full meeting, having, according to the importance of matters of so great weight and high consequent, mutually and at length, considered the several Declarations, Messages, Answers, and Instructions sent unto them from his majesty as also what hath been represented unto them, in the Declaration sent from the parliament of England; do find themselves bound, in duty, to acknowledge that they esteem it no small happiness to receive true and full informations from the fountains; and not to be left to the muddy and wandering streams of private misreports, which are ready to mislead such as follow them, from the right understanding of the truth, into the dangerous by-paths of jealousies and error; the preventing whereof made this kingdom, in a time of common troubles, so frequently to declare themselves and their intentions, both to the king's majesty, and the kingdom of England.—They do also receive and embrace, with all humble respect and thankfulness, from his majesty, the loyal and lively expressions of his royal and religious resolution and care to maintain and preserve the true religion, liberty, and laws of his kingdoms, together with a right correspondence betwixt them; it being the true and only foundation of greatness and glory to himself and his posterity, and of peace and happiness to his people, for which this whole kingdom, by a ... bound by their common allegiance, mutual obedience, and national oath never to be forgotten, will be ever most willing to spend their lives, fortunes, and what is dearest unto them.—They do in like manner, with ... brotherly affection, acknowledge the large testimony of the care and zeal of the parliament of England, to keep a right understanding betwixt the two nations, which both parliaments have maintained themselves, by ... and ... and ... and

practice of the parliament of Scotland into example, in the point of their Declaration; they are confident that the affection of the parliament will lead them, also, to the practice of this kingdom, in composing the unhappy differences betwixt his maj. and them, and, so far as may consist with their religion, liberty, and laws, in giving his maj. all satisfaction; especially in their tender care of his royal person, of his princely greatness and authority, and the prosperity of the kingdom.—Upon the other part, from the deep sense of his majesty's troubles, and from the love and loyalty of their hearts, their humble desire is, That his maj. may be pleased to hearken to the earnest desires and hearty invitations of his people, in returning to his parliament, which, as it is his great, so it is his best and most impartial council; that, by the brightness of his majesty's presence and countenance, all the clouds of former jealousies and fears may be scattered; a mutual confidence may be revived; and his people satisfied, as the only means of happiness both to the king and kingdom: the reflection whereof, upon this kingdom, will also increase our happiness.—And, since his maj. hath been pleased to make known unto them his resolution to go for Ireland, in his royal person, they are bold, as his majesty's loving subjects and faithful counsellors, to give their humble opinion, That as they do, with their hearts, acknowledge his majesty's tenderly compassing of the sufferings of his good subjects by the Rebellion there, his princely endeavours in quickening all means that may serve for their relief, and for the more speedy and powerful suppression of the rebels, and deliverance of his people, in offering to hazard his own royal person; thus which there can be no greater demonstration of princely care and courage, so they, by their natural affection, and by their desire of the preservation of his majesty's person, (upon which dependeth the safety of this kingdom) are constrained, in all humility, to represent, That they conceive it to be a matter which requireth very mature deliberation, Whether his maj. shall hazard his own royal person in such a war, and thereby also put all his good subjects in great fears for him? Whether the great affairs and dangerous distractions of this kingdom of England (which never did more require his personal presence) may suffer his absence at this time? Whether his going, in person, against such base rebels be not descending too low from that highest dignity and royal eminency wherein God hath placed him, as his immediate vicegerent? And whether it be not more for his majesty's honour and safety, and for the inward security of his people against their fears of danger to his majesty's person, and their outward quietness against danger to themselves, to command such forces of his willing subjects to go in that expedition, as, by God's help and assistance, may be more than sufficient to crush that rebellion, and to reduce the whole kingdom to his majesty's obedience? But, concerning this, they wish and hope that his maj. may be pleased to hear and consider the advice and council of his parliament of England, as being most nearly concerned in the matters of Ireland; although none be more so in their interest as his majesty's royal person.—In the end, they do humbly intreat, That all things may be forborn which may make the breach wider and the wound deeper, and that no place be given to the evil spirit of division, which at such times worketh incessantly and resteth not but that the surest, the most Christian, and compendious way may be taken, by so wise a king and parliament, as unity, against all malice and opposition, make his maj. and posterity more glorious and his kingdoms more happy than ever for this blessed and earnestly wished-for conclusion, according to their manifold obligation and duty, they do offer their best endeavours; and for the present, have sent up the earl of Loudon, chancellor of the kingdom, who will give a more full declaration of their mind and desires.—ARCH. PRIMROSE, Clerk of the Council."

The King forbids all Persons in Yorkshire to obey any Summons of Parliament.] May 9. The lords were informed that their Orders, &c were contemned in York; and this day two of their messengers, sent to bring up some persons as delinquents, appearing before them, made oath that they received the following paper from secretary Nicholas:

"I have, according to your desires, acquainted his majesty with the three Orders you shewed me from the parliament, for summoning some of his majesty's servants, and others of this county, to attend the parliament; to which he has commanded me to give you this Answer: That he will not give way that any of his servants, or others of this county, shall go out of this shire, until he shall have justice done him by the parliament against sir J. Hotham, for the affront and indignity offered to his majesty at Hull."

The first thing the lords did after reading this Paper, was to send an Order to the high sheriff of the county of York, to bring, or cause to be brought, before them, the bodies of sir Tho. Darrel and sir John Hales, and that their committee, residing in York, should see this Order put in execution. Next, the lords conceiving this business to be a great breach and contempt of the power of parliament; and in regard the said persons were sent for at the desire of the commons; a committee of both houses was appointed to consider of the aforesaid Paper, and what was proper to be done upon it.

Propositions of the Commons against Popish Recusants.] May 10. The lord keeper reported the effect of a conference, held yesterday, between the two houses, which consisted of divers heads, presented by the commons; the first of which was matter of Religion, which, as the anchor of Christians, and the stay of Faith, they were very tender of. 1. The commons observed, "That the Papists had been very active since the Ordinance of parliament for

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disarming them, and they were informed that the Magazine at Monmouth was as much under the command of the earl of Worcester, as if it was in his own castle of Raglan, therefore they have ordered the magazine to be removed to Newport; to which they desired the lords concurrence, because of the great resort of Papists who live near Monmouth and Raglan, and of the nearness of the earl of Worcester, and his son. 2. They desired that the said earl, and all other recusants in those parts, might be forthwith disarmed, and their arms and ammunition sent to Newport, and an Order sent down, to the sheriff and justices of the county of Monmouth, for that purpose. —The third head was on the great resort and confluence of people that go to mass at ambassadors houses, which ought not to be suffered, because there was a petition, from both houses, presented to the king, touching this matter, 21 Jac. and again 1 Car. which were consented to, and those Answers amount to the form and value of a law. There was a positive law, also, against this, by act of parliament, by which none are to go to mass, upon pain of 100*l.* That there was no such liberty to the king's subjects of our religion, neither in Spain, Italy, Germany, nor France; and we should be as careful of our religion, as they of their idolatries. Ambassadors are public ministers, and have great privileges, jure gentium; but if they swerve from the due execution of them, and break the laws of the land, they are not to be suffered therein That the commons lately gave a warrant to apprehend such of the king's subjects as went to mass at ambassadors houses; and one being apprehended as he went to the Portugal ambassador's house, 60 yards from it, a tumult arose, and the party was rescued out of the hands of the officers, by the ambassador's man and others, swords being drawn, and the ambassador, out of his balcony, crying, 'Kill them, kill them.' This the commons hold to be an affront of a very high nature; and do think it that their house be vindicated for this affront, which they leave to their lordships speedy consideration. 4. Against one Chandler, an Englishman, and agent and consul for the English merchants at Lisbon, a Papist, for tampering with and perverting his majesty's subjects from the Protestant religion, and his wife, being also a Papist, corrupts many wives and children They therefore desire he may be recalled. 5. Against Priests and Jesuits, the king's native subjects, being protected under the title of chaplains and menial servants That the commons were informed the Spanish ambassador is industrious in advancing religion this way; and hath 30 or 40 priests, who go in lay habits, and attend on him as menial servants, yet go abroad and pervert and corrupt the king's subjects from their religion. Priests and Jesuits, they said, were locusts and vermin; who have done so much mischief in Ireland, and may do the like here, in England, if not prevented; for their opinions are, 'Juramentum fidelitatis proprio suo principi, datum authoritate principis sive praelati, Romani Pontificis authoritate posse dissolvi."—The lords, taking these matters into consideration, agreed with the commons in all these Propositions, except in the Portugal Ambassador's affair, which is not mentioned

May 11 This day the commons, also, sent up Impeachments against sir George Strode and Rd Spencer, esqrs, concerned in the affair of the Kentish Petition

Letter to the Parliament from their Committee at York.] May. 12 The house of lords and commons received letters from their Committee at York, both to the same purport, which were read in these words

"We came hither, to York, upon Sunday last, and then understood that his majesty had commanded the gentry of this county to wait upon him on Thursday next Yesterday being Monday, we were admitted to the king's presence, who we delivered your Declaration; and this afternoon he sent for us, and gave us this Answer inclosed, giving us a strict command to carry it up ourselves to parliament. We told him, That we were commanded to stay here and attend upon him, and use our best endeavours in keeping the peace of the country. He replied, 'That if we would positively disobey him, and stay here, he would advise us not to make any party, or hinder his service in the country, for, if we did, he would clap us up.' We humbly answered, That our desiring to go at this time was no personal disobedience in us to his majesty, but that we were engaged in our duty to the parliament, and in our honour; having undertaken to observe those Instructions we had received, and were tending only to his honour and the peace of the kingdom, but not to make nor nourish any party; nor could we be commanded from staying here to execute them, without a great breach of the privilege of parliament. Upon this our humble excuse, that we could not depart thence, his majesty enjoined us to attend his person on Thursday, to hear what he should say to the gentlemen that were summoned to appear. After divers other passages he commanded us to shew him our Instructions, and withdrawing into a private room from the great company that was there present, he heard them read, took one of our copies, and so dismissed us. Thus far we thought good to give you an account of our employment, which, how ill soever it may be of difficulties, yet shall we not be discouraged to do any thing, that, according to the trust reposed in us, shall conduce to the quiet and peace of the kingdom, and the honour of the parliament In which hope we rest your faithful friends and servants, FER. FAIRFAX, HU. CHOLMLEY, PHIL. STAPYLTON, H. CHOLMLEY. York, May 10, 1642"

The King's Reply to the Parliament's Answer concerning sir J. Hotham, &c.] Then was read the king's Answer to the Parliament's Declaration concerning Hull, which came along with this letter. It was as follows:

I met with a [illegible] in the [illegible] but [illegible]

"His majesty was in good hope that the reason why you, so long, deferred your Answer to his Messages concerning Hull, was, That you might the better give him satisfaction therein, which now adds the more to his astonishment, finding this Answer, after so long advisement, to be of that nature which cannot but rather increase than diminish the present distractions, if ever justly adhered unto by the parliament. Was it not too much, that his majesty's town of Hull had a garrison put into it, to the great charge of the country and inconvenience to the poor inhabitants, without his majesty's consent and approbation, under colour, at that time, of foreign invasion, and apprehensions of the Popish party; but now the reasons thereof must be enlarged with a scandal to his majesty and his faithful servants, only to bring in the more specious pretence for the avowing of sir J. Hotham's treasonable insolency? His maj. hath often heard of the great trust, that, by God and man's laws, is committed to the king, for the defence and safety of his people, but, as yet, hath never understood what trust or power is committed to either or both houses of parliament, without the king, they being summoned to counsel and advise the king; but by what law, or authority, they possess themselves of his majesty's proper rights and inheritance, he is confident, that as they have not, so they cannot shew.—His majesty hitherto, hath not given the least interruption to public justice, but you, rather than suffer one of your members to come so much as to a legal trial for the highest crime, will make use of an Order of parliament to countenance treason, by declaring him free from that guilt which all former ages never accounted other; and that without so much as enquiring the Opinion of the judges, for his maj. is confident that you would have mentioned their opinion, if you had asked the same.—Therefore his maj. expects, that, upon further and better consideration of the great and necessary consequence of the business of Hull, and seriously weighing how much this doth concern the peace and quiet of the kingdom, you will, without further instance from his majesty, give him full and speedy justice against sir J. Hotham; and he leaves all his good people to think what hope of justice there is left for them, when you shall refuse or delay to give your own sovereign satisfaction: and, as his maj. hath already said, Till this be done he will intend no business whatsoever, other than that of Ireland.' And his majesty likewise expects, that in the way you have expressed in this your Answer, you will not put the Militia in execution, until you can shew him by what law you have authority to do the same without his consent, or if you do, he is confident that he shall find much more obedience, according to law, than you against law: and his maj. shall esteem all those that shall obey you therein, to be disturbers of the peace of the kingdom, and, in due time, call them legally to a strict account for the same. As for Ireland, his majesty refers you to his former Answer. And, lastly, concerning his Return, he never heard that the slandering of a king's government and his faithful servants, the refusing of him justice in a case of treason, and the seeking to take away his undoubted and legal authority, under the pretence of putting the kingdom into a posture of defence, were arguments to induce a king to come near or hearken to his parliament."

The lords and commons had another conference on the subject of the foregoing Letter and the king's Answer; the result of which, as to the former, was, that both houses resolved to maintain their Commissioners in York, in those things they had done, and should further do, in obedience to their commands, for preserving the peace of the kingdom.

Sir Geo. Strode and Mr. Spencer were brought to the lords bar, where the Impeachment of the Commons were read to them; but both these accusations are wanting in the Journals. The loss of which is the less to be regretted since they most probably differed little from those already given against sir Edward Dering.

May 13. Both houses joined in a Resolution to declare, "That any person whatsoever who shall arrest or imprison the persons of those lords and gentlemen, or any of them, or any other Member of either House, that are, or shall be, employed in the service of both houses of parliament; or shall offer violence to them for doing of any thing in pursuance of their commands, or the Instructions of both houses given unto them, shall be held disturbers of the proceedings of parliament, and public enemies of the state; and that all persons are bound by the Protestation, to endeavour to bring them to condign punishment. That a letter of thanks be sent to the Committee at York, and a copy of these Votes with it."

May 14. A bill, intituled, 'An Act to restrain Peers, hereafter made, from sitting or voting in parliament', was read a third time in the lords, and passed: the earls of Monmouth, Bristol, and Dover, with the lords Mowbray, Howard of Charlton, and Capell, only, dissenting.

The King's Reasons against the Bill of Levies for Ireland.] May 16. The lord privy seal (the earl of Manchester) being this day appointed Speaker of the house of lords, in the absence of the lord keeper, delivered a Letter from the king, in which was a Message inclosed. The parliament had passed and sent to his majesty a bill, 'For levying 10,000 men for the Service of Ireland,' to which he returned this Answer:

"His majesty hath ever shewed himself so ready to do any thing that might conduce to the suppression of the barbarous Rebellion in Ireland, that he doubts not but all the world is very well satisfied of his true zeal therein: therefore he doth not conceive why the parliament should desire a new way of levying men for that service; especially since his maj. hath been so far from refusing any Levies, that he

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hath offered, formerly, to levy 10,000 men, volunteers, in case the parliament would promise to pay them, which, at that time, it not refused, at least, was not accepted. Besides, you may well remember, that when his majesty declared to raise 2000 foot and 200 horse, for his own guard, upon his intention of going into Ireland, the answer to that was, That it was too great an addition of charge to the country, they having already undertaken to pay 10 so many men, and then how his majesty cannot but wonder, what means they can now find to pay 10,000 men, when, but a little while ago, they thought 2000 too much. But, seeing it is for so necessary a work, his majesty will not examine the reason of this sudden alteration of opinion, being glad that means will be so easily found for so great a supply, as this for 10,000 men will be; only he cannot give way that the manner of levying them should be altered. Therefore he offers to levy the above-named number, in the old accustomed way, under such commanders as his parliament shall have no cause to disapprove of; but he holds it very inconvenient to sign the bill sent unto him by way of an Instruction, not knowing the many inconveniences that, upon passing thereof, may happen. His majesty likewise takes notice, that above half those men, for which he hath already given commission, are yet unlevied, or, at least, not gone; so that if the parliament like of the old way of levying, which he can conceive no reason why they should eschew, he undertakes there shall be no time lost in these aforesaid levies. York, May 13, 1642."

After reading this Message the commons sent sir Wm Lewis up to the lords with a Declaration, containing a recapitulation of all the Errors and Miscarriages in Government, from the dissolution of the last parliament, to which were added many letters, examinations, warrants, and depositions; all which they had voted to be printed, and also published in all parish churches. Sir W. Lewis was directed to desire their lordships concurrence therein and to give them satisfaction, if desired, in these particulars 1. "Whether the king hath ever given other denial to any public bill offered unto him by parliament, than by suspending his assent for a time? 2. Whether a Petition, brought up by the commons, and approved of by the lords, hath ever been refused by the king? 3. Whether any person hath ever been adjudged a traitor, for executing the king's verbal commands, against the laws of the land?"

The Form of the King's Oath, &c. ordered to be considered.] This day the commons appointed a committee, consisting of Mr Selden, Mr Glyn, sir S. D'Ewes, Mr. Whitlock, Mr. Bridgeman, and others, to consider of the Form of the King's Oath, as it is upon record, and in books of good authority, and of the statute of 25 Edw 3. concerning the same; next, to consider, whether kings, in refusing bills, in former times, gave any other Answer than 'Le Roy s'avisera;' and to consider what persons have been proceeded against for high treason, notwithstanding they had the king's command, and to search precedents, what parliaments have done, heretofore, in like case of the king's absence from parliament; and the parliament's putting forces in places of strength to preserve them for the king and parliament.

The Examinations and Accounts of the Committee's Account of the King's Propositions to the Gentry, &c. sent from that County.] May 16. p. m. The lord privy seal, still sitting as Speaker, in the absence of the lord keeper, acquainted the house, That a Letter was come from York, directed to the lord keeper, or to the Speaker of the house of lords in the mean time, which was commanded to be read. This Letter is omitted in the Journals, and it is only said, that divers Papers were read and, indeed, there are many singular omissions in them, as to this time; which are now supplied from the Collections, or Pamphlets, of those days. The Letter and Papers, mentioned above, came from the Committee at York, and were sent, alike, to the Speakers of each house. That to the commons was as follows

"Sir, In our last Letter we gave you an Account of our first and second waiting on the king. We wrote to you then, that his majesty commanded us to attend him yesterday, being Thursday, to hear what he said to the gentlemen, which, a little before the meeting, he commanded by a particular Message. Being come thither, he may caused the several Messages between him and the parliament, mentioned in this inclosed Paper, to be read. This was done with much humming and applause of the king's Messages, by some persons who had placed themselves near that place where he may stood: but when any thing from the parliament came to be read, with so much hissing and reviling of the parliament, that though, in respect and duty to the king's person we could not resent it as otherwise we should have done, yet we have made expostulation, and complained of it to his majesty. Some were so bold as to say openly, 'That the parliament-men should set the houses in order, for many of them should shortly have their heads off,' one of which (as we are credibly informed) was one Hurst, a servant to Mr Wm. Crofts.—In this, which was said by the king, you will see what reason we had to vindicate ourselves, and therefore we immediately repaired to the dean's house, with all the other gentlemen, and there we took notice of the rough usage we had received: we told them, That it was neither indiscretion nor disobedience in us, (as his majesty was pleased to call it) to deliver the parliament' Message, or to stay here, when it commanded to the contrary, since we conceived no man needed to be satisfied in so clear a case as this, That every member of each house ought to obey their commands, when they were pleased to employ them: but since his maj. thought fit to bid

them take heed of us, not knowing what doctrine of disobedience we might preach to them, under colour of obeying the parliament, we appealed to every man, Whether we had, in word or deed, in public or in private, done any thing that became not louest men, and persons employed from the parliament. That we had communicated our Instructions to his majesty, being that wherby we would prove all our actions, and that we were confident it would not be said we had transgressed them. This was very well taken and justified by the country.—Yesterday there came divers Almsmen of Freeholders to this City, though none but the gentry were summoned; but receiving a command from the king not to come to court, they forebore, and stayed in the Castle-Yard; yet sent this Petition inclosed to his majesty, and received the Answer annexed thereunto. There was likewise a committee of 12 gentlemen appointed, yesternight, to consider of drawing up an Answer to the King's Proposition concerning a Guard but nothing could be then done, because it was past 5 o'clock before the gentlemen were admitted to the king This morning the Freeholders assembled again in the Castle-Yard; there they made this Protestation inclosed, of their Right of Voting in what concerneth the peace of the country, as having their interest therein.—When we all met this morning again at the dean's house, we, who are your committees, received this message by sir Edw. Stanhope, 'That he came from his majesty to command us, that we should depart from this meeting; and if we did stay, his maj. would judge us guilty of what he spake of yesterday, which was, Tampering.' Notwithstanding which command, we read the 4th Article of our Instructions to the whole company, that being pertinent to the business we were then upon; and desired them to consider, whether the parliament had not expressed therein such a care of the king's safety, that there would be little need of Guards. We told them, That we had a good right of being there as Freeholders of the county, but that in obedience to the king we would depart for this time; yet whensoever there should be occasion of our being there, in pursuance of our Instructions from the parliament, we should be ready. The whole company received great satisfaction, and desired a copy of that Instruction, which we gave them.—We were the more willing, at that time, to go from thence, because we should not only give obedience to the king's command, which otherwise he would have said we constantly disobeyed; but because the committee of 12 appointed yesternight, were then to withdraw; so that there was nothing for the present for us to do: we immediately went to the king, and besought him, That since we were continually so discountenanced by him, in the face of our county, he would be pleased to let us know in particular wherein we had given the occasion; for we otherwise conceived we were deprived of that liberty, which was our due in respect of that interest we had here. His majesty was pleased to tell us, 'That if we would lay aside that condition of committees from the parliament, he would not hinder us to be there as gentlemen of the county.' We humbly replied, 'That we could not lay that down, nor could we be absent from any meeting, where our presence was required for the service, as committees from the parliament.' To which his majesty said, 'That indeed he thought we could not lay it down, neither was it reasonable that we should have Votes, and be in a double capacity.' The committee hath been together most part of this day; but not agreeing, six of them have drawn up this Answer inclosed, which they have communicated to the gentlemen and freeholders; the greater part of the gentlemen, and all the Freeholders, have agreed to, and subscribed it. The other six have concluded upon this other Answer, consenting to a Guard of Horse, but in this we do not hear they have gotten many names, nor can we get a copy of those names as yet, though these be very few; yet whether they can bring in any horse or no, we cannot yet judge. The king hath received both these Resolutions, which, with his Answers to them, you likewise have here inclosed: And first

His Majesty's Speech.

"Gentlemen; I have cause of adding, not altering, what I meant to say. When I gave out the summons for this day's appearance, I little thought of these Messengers, or of such a message as they brought, the which, because it concerns me in what I intend to speak, and that I desire you should be truly informed of all passages between Me and the Parliament, you shall here read, first, my Answer to the Declaration of both houses concerning Hull, the Answer of the Parliament to my two Messages concerning Hull, together with my Reply to the same; and my Message to both houses, declaring the Reasons why I refused to pass the bill concerning the Militia." All which being read his Majesty proceeded—"I will make no paraphrases upon what ye have heard, it more befitting a lawyer than a king, only the observation, That since Treason is countenanced so near me, it is time to look to my safety I avow that it was part of my wonder, That men (whom I thought, heretofore, discreet and moderate) should have undertaken this employment, and that since they came, I having delivered them the Answer you have heard, and commanded them to return personally with it to the parliament, they should have flatly disobeyed Me, upon pretence of the Parliament's Command. My end in telling you this, is to warn you of them; for since those men have brought me such a Message, and disobeyed so lawful a command, I will not say what their intent of staying here is; only I bid you take heed, not knowing what doctrine of disobedience they may preach to you under colour of obeying the parliament. Hitherto I have found and kept you quiet, the en[illegible] of which was a chief cause of my coming

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Tumults and disorders made me leave the South, and not to make this the seat of a war, as malice would (but I hope in vain) make you believe now, of disturbances do come, I know whom I have reason to suspect.—To be short, you see that my Magazine is going to be taken away from me (being my own proper goods), directly against the Ordinance for the Militia (against law and my consent) is going to be put in execution: and, lastly, sir J. Hotham's Treason is countenanced: all this considered, must not this blame me to apprehend dangers therefore I have thought fit (upon these real grounds) to tell you, That I am resolved to have a Guard (the parliament having had one all this while upon imaginary jealousies) only to secure my person, in which I desire your concurrence and assistance; and that I may be able to protect you, the laws, and the true Protestant profession, from any affront or injury that may be offered, which I mean to maintain my self, without charge to the country, intending no longer to keep them in foot, than I shall be secured of my just apprehensions, by having satisfaction in the particulars before-mentioned."

The ANSWER of several of the Yorkshire GENTRY, to the KING's PROPOSITION for a Guard.

"To the king's most excellent Majesty.

We knights and gentlemen, whose names are subscribed, do unanimously present this our Answer to your majesty's Proposition concerning the raising of a Guard of horse, for the security and defence of your sacred person.

That to this Proposition, as we conceive ourselves bound by our allegiance, we do willingly consent. For that purpose humbly desiring, That the aforesaid Guard may be most legal in the form, and I hope it will consist of Persons unquestionable in their religion and gentlemen."

The Substance of his Majesty's REPLY, sent by Mr. Secretary NICHOLAS.

"His majesty gave them thanks, for it appeared as a satisfactory Answer, and in it they had shewed great circumspection and wisdom, by chusing such whose loyalty could not be questioned, by excluding recusants and all suspected to be disaffected."

The ANSWER of those GENTLEMEN and FREEHOLDERS, who subscribed the same at the Dean's house where the Sheriff was.

"May it please your most sacred majesty, The Proposition, delivered to us yesterday from your majesty, are of so high concernment to the weal and peace of the whole kingdom, and do so nearly touch upon the affection and fidelity of all your subjects in general, as we, being but a part of one county only, do not conceive it is safe for us to advise therein, but rather humbly to beseech your maj. to impart the Grounds of your majesty's Fears and Jealousies to your high court of parliament, of whose most loyal care and affection to your majesty's honour and safety, and the prosperity of your subjects and dominions, we are most confident; and whatsoever shall be advised by your great council therein we shall most willingly embrace, and give our concurrence and assistance to it as shall become us in whose fidelity and affection your majesty hath often declared especial trust, and albeit we do not presume to advise your maj. in that particular, being of transcendent consequence, in the case in the behalf of those members of parliament lately employed to and our maj. from both houses, being all of them gentlemen of quality and estate in this county, and trusted to serve in that most honourable assembly, we humbly crave your majesty's leave to express our confidence in their unstained loyalty and affection to your maj. to be such, as that maj. may securely admit their attendance in prosecution their employments, 'till they be recalled by the parliament: and for their fidelity, we all engage ourselves to your majesty, and we are most assured that your royal person shall be secure in the general fidelity of your subjects of this county, without any extraordinary Guard."

The NAMES of those GENTLEMEN who were taken by the SHERIFF.

Sir Thomas Fairfax	Cuthbert Creika
Sir Wm. Constable	William Gee
Sir Matt. Boynton	Digby Gower
Sir Thomas Gower	Thomas Rookeby
Sir Wm. St. Quintin	John Calverly
Sir Edward Rhodes	Francis Trimmon
Sir William Crashy	John Aubigne
Sir Thomas Norcliffe	Arthur Beckwith
Sir Arthur Ingram	Christopher Waters
Sir Richard Darley	Matthew Beckwith
Sir Hervis Clifford	Christopher Dupley
Sir Walter Fairfax	Thomas Croft
Sir Hugh Bethell	William Parker
Sir John Stone	George Hunter
Sir William Lister	Henry Westby
Sir Tho. Remington	Wil. an James
Edmund Upton	Thomas Rhodes
Henry St. Quintin	Richard Wildare
Arthur Ne[illegible]	Jo[illegible]kwith
Thomas Jenkins	Matthew Allred
Henry Jenkins	Robert Sheffield
John Farrer	Thomas Nelson
John Wast	John Stringer
Henry Arkleton	Thomas Hamond
Henry Wilkes	John Shirley
Walter Bethell	Timothy Norcliffe
George Marwood	Henry Savil
Henry Stockdale	John Hodges
William Crowe	Francis Grimston
Richard Ironman	Sir Henry Quintin
Stockdell Pope	Wolfrey Hartley
Thomas Hebblethwaite	Lancelot Allured
George Fare	John Beverley
Edward Marwood	Gilbert Boynton
John Sadleir Molly	George Wentworth
John Saltmarshe	Benjamin Browne
William Copley	Charles Fairfax
John Copley	Henry Arthington
Edward Gower	Henry Temple

[illegible]

"These were the Names subscribed in one sheet, there being many other sheets filed together, all of them subscribed, and amongst them many gentlemen of note, but we took notes only of the first sheet, having no more time.

His Majesty's Answer returned by the Sheriff

"His majesty expects the like affection from you that he doth from the other gentlemen, and he hath the same confidence in you that he hath in the others."

To the King's Most Excellent Majesty, The Humble Petition of many Thousands of your Majesty's most humble affected Subjects in the County of York

"Sheweth, That many of your Petitioners being, in their late desires of petitioning your majesty, thereof, were kept back with violence, and receiving great affronts from some that have dependency on your majesty, and others there assembled, set in opposition could remove them from their patience and duty. Those proceedings not taken more in heart, your petitioners conceive it undeniable that they have an interest in the commonwealth, and are as faithful and loyal subjects to your maj. as any whomsoever; though divers of them have been since unwillingly pressed by some, in your majesty's name, to subscribe a Paper, stiled, 'The Answer to your Majesty's Propositions,' and threatened thereto upon which blows followed, and that when your majesty's army should be on foot, those should be first pillaged that refused such subscription, which we humbly conceive is positively contrary to your majesty's own expressions, and is to the high dishonour of your majesty, and the great affrightment and distraction of your majesty's liege people.—Therefore your petitioners, having too just cause to fear your majesty's royal heart is still in danger to be possessed with some distaste of your petitioners humbly supplicate your maj. to conceive better things of them, and to cast your eye upon the present state of this your kingdom, that, as your maj. hath often declared our faith to the country, so your late might now be expressed in preserving the peace thereof, and that your maj. would admit of a right information of the clear intentions of your petitioners, who are confident that no solid shine and loyal observance to your majesty's just commands can be demonstrated, as what your maj. in parliament shall declare, which if it be divided, (as God forbid) our hearts even tremble to consider the diminution of the honour and safety of your majesty's posterity, and the dangers the kingdom will unavoidably be put upon, since it is clear to every understanding, that it is not a dividell part of one, or several counties, that can afford that honour and safety to your maj. as the whole kingdom, which you may command; no ground or fear of danger remaining, if a good confidence were begot betwixt your maj. and the parliament, whose grave and loyal counsels are, as we humbly conceive, the visible way, under God, to put a speedy end the troubles of Ireland, and establish your throne in righteousness. And, lastly your petitioners do humbly supplicate, that w may represent our unfitness to become judges betwixt your majesty and the parliament in any thing, or dispute the authority of either, which they humbly conceive do fortify each other; it being most unfit for them to act any thing therein but by their prayers for a right understanding between your maj. and them, which we shall heartily do, as also for your majesty' long and prosperous reign, and, as we are bound by our late Protestation, shall be ready to maintain your majesty's just Rights, the Privileges and Power of Parliament, and the lawful Liberties of the Subject."

The KING'S ANSWER to the foregoing PETITION of the County, by Mr Secretary Nicholas

"His majesty having with some care considered this Petition, being the first of this nature that hath been presented to him, wherein any appearing well affected to his service (though he hath heard of many to the contrary) have misdemeaned themselves, hath commanded me to give you this Answer. That he doth, totally, disavow the proceedings complained of in the Petition, and expects that you, and all others his loyal subjects, shall rest satisfied with his several gracious Declarations, and constant peaceable practice towards his people, and for further assurance, upon just proof made against any man who hath committed any violence in words or actions, without just provocation, full reparation shall be given to the parties injured.—As for the other part of this Petition, his majesty saith, That it is so confused he does not well know what positive Answer to give to it; and the rather because it is grounded upon misinformation both of his majesty's proceedings and intentions; as, in particular, his maj. saith, He never intended to have you to be judges betwixt him and his parliament. For the rest of this Petition he refers to his Messages, Declarations, and Answers, whereby it will clearly appear, That his desire and intention is, only, the preserving of the true Protestant profession, the laws of the land, the liberty of his people, the peace of the kingdom in general, and the peace of this county in particular."

The PROTESTATION of the FREEHOLDERS of Yorkshire

"Whereas his majesty was pleased to [illegible] summons to the gentry of this county to attend him at his court at York, the 12th of [illegible] instant, to advise with him in some particulars concerning the honour and safety of his majesty's person, and the well-being and peace of this our county; and in the said summons was pleased to omit the freeholders of this county, out of a tender respect of putting them to any extraordinary charge, yet we, conscious of our sincere loyalty to his maj. our gracious sover[illegible]

Printed [illegible] dwell [illegible] sells publick Digested [illegible]

reign, and concerning our ancient records the prerogatives of our crown, lately invested in the common law of this country, did take the boldness to dominere upon York, and were ready to attend his majesty's pleasure there. And whereas his majesty being pleased then to propound several things to the purpose aforesaid, at the meeting of the county, to consider a fit answer to return to his majesty thereupon, the doors of the meeting-house were shut against us, and we utterly excluded, and in our absence, a returree of knights and gentlemen chosen, without our knowledge or consent, to draw up the said Answer we the freeholders who petitioned his majesty the 19th aforesaid, concerning ourselves a unlawful assembly in the election of the said returree, not knowing any warrant, by writ, or otherwise, for the same; and that we ought not, however, to be excluded by any conclusions or determinations without our consent or election, do, absolutely, protest and declare against the said election, and, as far as circumstances, there or whensoever shall refer the result of this our protest from the same; and do desire all true and fair election of a returree may be made, and returned to the next session of the peace, and some other place, to be nominated by us, all writs to the liver nor sense former at another meeting, and that we shall not make good, in the least respect, my thing what shall or with shall otherwise be done during us."

"Sir, this is to give you to understand, that he would have the regiment which was at Sir Rob. Strickland's [illegal] guard, but I shall [illegible] resolution. The Earl [illegible] the county may [illegible] assembled at [illegible] Monday next, the third [illegible] three several days, but we [illegible] know not [illegible] Northern and the Passage at this [illegible] What danger this poor country [illegible] but leave it to you to judge, and I [illegible] my opinion is to [illegible] Sir, the business [illegible] sending that it hinders us from giving [illegible] Sir, this is what, at this time, is certain. Your assured friends and [illegible] Dan Fleetwood Chetwynd, Phil Stapleton, Hen Chetwynd — York, Aug 15 1642."

May 17 A conference was held this day in relation to the foregoing affairs, the report of which was, "That the commons desired to keep a good correspondency between both houses, to prevent the mischiefs that were else likely to ensue. They, likewise, observed with what care, wisdom, and diligence, the committee do proceed; and desired that notice might be taken of it, and thanks returned to them and the high sheriff, also to those gentry and freeholders who, in all these proceedings, have expressed their affection and loyalty to the king and parliament, for their good service herein." Ordered, That the Letter and Papers from York should be forthwith printed and published in one book.*

The intended Removal of the Term to York.

Vol. II.

*noted the [illegible] [illegible] [illegible]

sider of his majesty's last Messages, to make a Remonstrance to him, and shew how much against law, and the liberty of the subject, command of this nature are, to represent to him the interruption that they cause to the proceedings of parliament, and the affairs of Ireland, with the inconveniences that are like to ensue upon them; and to desire they may be forborne hereafter.

Declaration of both Houses against taking Arms by his Majesty's Command.] A Letter, directed to Edw. lord Howard and the Committee at York, was read, with a Declaration of Parliament, the Letter was to no other purpose, than thanking them for their good services, &c and to order them to deliver the inclosed to the high sheriff, and press the execution of it there, as was intended to be done in the other counties of England. Which Instrument was in these words:

"The lords and commons in parliament do declare, That it is against the laws and liberties of the kingdom, that any of the subjects thereof should be commanded by the king to attend him at his pleasure, but such as are bound thereunto by special service and that whosoever, upon pretence of his majesty's command, shall take arms, and gather together with others, in a warlike manner, to the terror of the king's people, shall be esteemed disturbers of the public peace; and to do that which may introduce a precedent of very dangerous consequence in the future, and may produce most mischievous effects for the present, considering the great distempers of the kingdom, and what pernicious counsellors and incumbrances are now about the king, and how desperate and ill-affected divers persons, attending upon his majesty, have shewed themselves to the parliament and to his other good subjects, threatening and reproaching them publickly, even in his majesty's presence For preventing and avoiding such great mischiefs as may thereupon ensue, it is Ordered and Ordained by both houses of parliament, That if the Trained-Bands, or any other his majesty's subjects, shall, upon pretence of any such command, be drawn together and put into a posture of war, the sheriff of that county where there shall be such raising or drawing together of armed men, do forthwith raise the power of the county to suppress the same, and to keep his majesty's peace according to law. And that the lord lieutenants, deputy lieutenants, justices of the peace, and all other his majesty's subjects, be aiding and assisting to the several and respective sheriffs in performance hereof, as they will answer the contrary at their peril."

Further Orders for the Security of Hull.] May 18. The lord admiral acquainted the lords, That he had received a Letter from Hull, from some captains, sent with their ships there, by order of parl to bring away the Magazine, alledging, that they had received a command from the king, dated at York, the 10th of May, upon their obedience, to send part of their ships part of that Magazine, &c. they therefore desired their lordships to take some course their indemnity in obeying the command this house —Then the lord admiral's and the king's Warrant for stoppage read; and a conference being held upon some more hints were communicated by the commons, concerning the safety of Hull, as That sir J Hotham complained he wanted a committee, of reputation, to assist him in he found the townsmen false: that he wanted mills to grind corn and that the committee sent thither, some time since, were coming away. To remedy all which, the commons had prepared the Form of a Letter to be sent down to Hull, with an Order; also they had appointed another committee to go thither, and desired to know if their lordships would appoint any of their house for that purpose.— The lords agreed to this in every particular, and the lord Willoughby of Parham was named as a commissioner from that house.

The Speaker's Letter to Sir J Hotham thereupon.] The Letter to sir J Hotham, with the Order of parliament, was then read, as follows

"Sir; Your letter of the 16th of May I received this morning, and forthwith communicated it to the house, who do very much approve your diligent and prudent carriage in discharge of the great trust reposed in you so much concerning the peace and safety of the whole kingdom, and thank you for the same. In this house had sooner known of the coming away of the committee, and of the great necessity that some such assistance should be there, they would sooner have provided to have had their absence forthwith supplied by others; for which purpose they have now resolved of seven more of this house to be added to the former committee, as you may perceive by the Order inclosed, whereof they intend that four shall always be resident with you there.—According to your desire, you receive an Order of both houses for the Encouragement and Indemnity of the captains and masters of the ships, of whose obedience thereunto we are assured, by their printed on in their own letters to the lord admiral, That what both houses of parliament shall order, they shall, with their utmost endeavours perform, for his majesty's safety and the good of this state, all which, being an expression of so good affection to the service of the parliament, this house takes especial notice; and desires you to give them thanks in their name, as also to the mariners, of whose forwardness in this service they are also informed.—The house doth also require, That the Magazine, that is already shipped, may be sent with all convenient speed, with perfect inventories of what is in every ship; and what you have kept behind, to remain there, for the defence of the place, if there be occasion; two of the ships of war are designed for the convoy of the Magazine; the other two shall be appointed to attend in the harbour, for the better security of that town,

shall be further order — We understand the proceedings in Yorkshire, and, though there be some disaffected, yet there appears so great a part of the country to be well disposed to the peace of the kingdom, that it is hoped they will so over-awe the other party, as to keep them quiet. I send you inclosed a copy of the Order of both houses, which was yesterday sent to the committee at York, to be delivered to the sheriff, who hath carried himself so worthily and faithfully, that there is no doubt will assist the Mr Hollard' report is, That he will do his duties in all the authority and directions of parliament, for preserving this kingdom from the miseries and calamities of a civil war, which is certainly endeavoured to be kindled by some ill-minded sellors about the king, who can find no means to escape the punishment of their own wicked ness, but by the confusion of the whole state. —It is much wondered that there should be any in that town so blind, as not to discern the mischief intended to the common-wealth if Hull had not, by the wisdom of the parliament, been secured from the Virginian Earl, or so disaffected as not to concur in the further care of that which is necessary for the generall good, wherein the safety of that town and their own interests are involved: but as their patience and wisdom will make you more watchful, so your watchfulness will make them less hurtfull: and it is hoped the proceedings in Yorkshire will every day more open their eyes to see the dangers and miseries like to overwhelm those parts, if honest, well-affected people of that county in the parliament to prevent the same. — I have means to send many more particulars to you forthwith, and, when they have been more fully informed, by sir Christ Wray, of those matters which you write the sir Hugh understand by him, it is resolved to send for you again. And I am commanded by the Houses you may rest assured, as you have the authority of parliament, and the strength of the greatest and best part of the kingdom to you, you shall have the prayers of all that love the true prosperity and peace of the church and state concurring with you, to whom I add the due respect and best wishes of Your most really friend and humble servant, W. Strickland."

The Order inclosed was as follow

"Whereas the lords and commons in parliament thought it very necessary for the safety of the king and kingdom that the Magazine of Arms and Ammunition, at Hull, upon Hull, should be removed from thence to the Tower of London, and did order the same accordingly; and have appointed several ships for the transporting and waiting thereof, which are ready at Hull, for that service. It is ordered, by both houses of parliament, That the said Magazine and Arms shall be forthwith removed, and brought away from Hull to the Tower of London; and the captains, lieutenants, masters and other officers and companies of the said ships are hereby required and enjoined, forthwith, to perform the same, notwithstanding any command to them directed to the contrary. And for the indemnity of captains Driver, Swaals, Moyers, and Hagot, and such other captains, lieutenants, masters, officers, mariners, and all other persons, which have done or shall do any thing for ordering to the said Ordinance of both houses of parliament, or in execution thereof, touching the removing shipping or transporting the said Magazine, or any part thereof from Hull to the Tower of London as aforesaid: It is ordained and ordered, by both houses of parliament, That they, and every of them, shall have the assistance of both the said houses against all inconvenience which may happen to them, or any of them, by or for obeying the said commands or this ordinance necessary and important service."

Ld Savile's Letter upon refusing to attend the Parliament. May 10. The earl of Holland reports to the lords that he had received a Letter from the lord Savile, at York, which was read to this effect:

"My Lord, Yesterday there came hither a man in buff coat, with an order, process, or warrant, for I know not what to call it, to attach divers of the peers and some others, and amongst the rest myself, for coming away without leave, as I imagine, for I know no other cause that the parliament is, though there was a cause, as many times in general, expressed in the warrant, according as by the law of the land and Petition of Right, is required. When he came to me his warrant was going with me to the Newark in Gilbert Park, to take me there, and, at my return, to call the messenger committed for some offence, which, it seems, was laid by to my charge, and the messenger taking all the company about him, and the whole town's assistance, and to depart from my lodging he durst not. I offered to pay my fine to the messenger instead of the loss of my company, but he durst not for his life, for I made small, as for the sake of my life, never to come at it more, to go to my own house, and not thence, and all certain days of the week I should repair to the mayor's house, who I hope much of my business. So, my lord, I am sure you imagine the great distraction that I am in, that no private affairs of mine can be in doing but public, and therefore the public, so far as I can, I commend upon Christ that they may not receive any damage as suddenly to endanger the peace of the kingdom. My lord, I am, &c.

York, May 11, 164 "SAVILE."

Another Letter from the Committee at York, relating to the Ammunition. Next was read a Letter from the lord Hotham, one of the Committee at York, to the lord keeper, containing a further account of the king's proceedings in that city, which are in these words.

"My lord, Yesternight, sometime in the night came to our hand this printed speech enclosed

[1] By the King. C. R. Whereas, upon sum-

mons from us, divers gentlemen of this our county of York did attend us on Thursday the 12th day of this instant May, when we declared our Resolution, for the reason then delivered by us, to have a Guard to secure and defend our person, and desired therein the concurrence and assistance of the gentry of this county: and whereas divers gentlemen of this county, for many reasons and occasions, could not then appear to receive our pleasure on that behalf, whereunto divers have subscribed: we have therefore thought good hereby to give notice, as well to those gentlemen who were not then present, as to those who did then attend us, that our command is, That as well those gentlemen who are charged with horse, as others, appear at York upon Friday the 12th day of this month, in such manner and equipage as will be convenient for the Guard of our person: and we require and command, That, in the interim, no other warrant, order, or command whatsoever, shall distract or hinder this our service: and we further will and command, That this our Order be forthwith published by the sheriff of this our county, for which this shall be his sufficient warrant Given at our Court at York, May 14, 1642.'

"My lord; We conceiving the above Paper to be illegal, waited on the king in the morning, telling him, 'We thought it our duty to represent to his majesty, of what dangerous consequence it was to command the whole county to bring in their horse, which would be occasion of great jealousies, and might breed great distractions.' His majesty's Answer was, 'That howsoever it was expressed, yet he never intended to have any come in but voluntarily.' We replied, 'That this bore another sense, and that it would be our duty to give notice of it to the parliament.' When we were gone, the marquis of Hertford, the lord Savile, and lord chief justice Bankes, repaired to the king, and soon after brought us the following Paper in Answer to what we had said to his majesty, with a command to write up the substance of it to your lordship: but thinking it not fit to take upon us to write his majesty's sense, lest we should be mistaken, I have here sent you the very Paper itself, as we had it from the lords before-mentioned.

'My Lord; We waited, this day, upon his majesty, concerning a printed Summons published the 14th of this instant May, humbly to know his majesty's meaning therein; at which time he was graciously pleased to signify his intention unto us, That his meaning was, thereby, to accept of the voluntary offers of those gentlemen, who had, or should, tender their services unto him for the Guard of his person: and, out of that number that should appear before him, at the time prefixed, he would chuse such a competent number as might serve for the safeguard of his royal person; likewise telling us, That he had declared to those gentlemen, who did attend him at the last meeting, that he no ways intended hereby to increase the number of the Trained Bands.

"My lord, these lords do, every one of them, protest, That they never knew any thing of this printed Paper till we showed it to them. I acquainted your lordship, in my last letter, That his majesty had laid aside the resolution of raising that regiment which was sir Robert Strickland's; but, this afternoon, we understood it was intended to-morrow by warrants from his majesty, a copy of one of them I send your lordship here inclosed; as also a Letter from his majesty to the gentry of Yorkshire.

The WARRANT To the Constables of Newton and Benningborough.

'By virtue of a Warrant from his majesty, to me directed, his will and command is to give order to all the several petty constables, within this division or hundred, to cause all the Trained bands and Soldiers of sir Rob Strickland's regiment, with their officers and arms, to meet at Sutton in the Forest, on Tuesday next, the 17th of this instant May, by 8 in the morning, where they shall receive further commands and directions by the colonel or serjeant-major of the said regiment. Fail not at your peril.'—T. GROSVENOR May 15, 1642.'

The KING's LETTER.

'To our trusty and well-beloved the gentry of Yorkshire, and others of this our county of York, whom it doth or may concern, We have, with great contentment, considered your dutiful and affectionate Answer to our Proposition concerning the unsufferable affront which we received at Hull. We have not been deceived in that confidence we had in your affection, wherefore we desire you to assure the rest of your countrymen, who, through negligence, were omitted to be summoned, that we shall never abuse your love, by any power wherewith God shall enable us, to the least violation of the least of your liberties, or the diminution of those immunities, which we have granted you this parliament, (though they be beyond the acts of most, if not of all, our predecessors) being resolved, with a constant and firm resolution, to have the law of this land duly observed; and shall endeavour only so to preserve our just royal rights, as may enable us to protect our kingdom and people, according to the antient honours of the kings of England, and according to the trust which, by the law of God and this land, is put into the crown; being sufficiently warned, by the late affront at Hull, not to transfer the same out of our power; concerning which affront we will take sometime to advise which way we may usefully employ your affections: in the mean time we shall take it well from all such as shall personally attend us, so followed and provided as they shall think fit, for the better safety of our person; because we know not what sudden violence or affront may be offered unto us, having lately received such an actual testimony of rebellious intentions from sir J. Hotham at Hull. Being thus secured by your affections and assistance, we promise you our protection against any contrary power whatsoever, and that you

shall not be molested for your humble and modest Petition, as of late you have been threatened. Given at our Court at York, May 16, 1642.'

"My lord, I know not what the success of this will be, or what the sheriff will do upon it, he is newly gone out of town. My lord, this is at this time, what I am to acquaint you with, who am, &c.

York, May 16, 1642. "Edw Howard."

Lord Savile voted guilty of a Contempt, &c.] May 19. p. m. The lords took into consideration the lord Savile's Letter; and, after debate, came to the following Resolutions: 1 "That the lord Savile's going from parliament, and refusing to come when this house sent for him, is a great contempt, and a high breach of the privileges of parliament. 2 That when the high court of parliament sends for a delinquent to appear before them, the king's laying his commands upon him not to appear, tends to the overthrow of the power of parliament and justice of the kingdom. 3 That the lord Savile for his high contempt, to refusing to come when the house sent for him, shall not sit nor vote in this house during this session of parliament."

Ordered, That a writ of Habeas Corpus shall be sent down to the sheriff, to bring up to this house the messenger imprisoned at York. Also to have a conference with the commons on this affair, and this high Breach of the Privilege of Parliament, and to consider of a course, how to bring delinquents to deserved punishment, in such a manner as may best agree with public justice, and best preserve the peace of the kingdom.

The Parliament resolves, that the King intends to make War against them, &c.] May 20. The lords took into consideration the present Dangers and Distractions of the Kingdom, and appointed a committee of 8 peers to peruse all the Messages and Declarations which had come from the king, to collect together all the material expressions therein that concerned the parliament, and to report them to the house. This committee, unmediately, withdrew, and, very soon after, the lord Kimbolton brought in the following Resolutions, which were afterwards agreed to by both houses; and, with a Petition to the king annexed, were ordered to be printed and published. Resolved, upon the question: "That it appears that the king, seduced by wicked counsel, intends to make war against the parliament; who, in all their consultations and actions, have proved no other end unto themselves, but the care of his kingdoms, and the performance of all duty and loyalty to his person. 2 That whensoever the king maketh war upon the parliament, it is a breach of the trust reposed in him by his people, contrary to his oath, and tending to the dissolution of this government. 3 That whosoever shall serve, or assist him in such wars, are traitors by the fundamental laws of this kingdom; and have been so adjudged by two acts of parliament; and ought to suffer as traitors."

The Parliament's Petition sent to the King with the Resolutions.] The Petition sent to the king, with the above Resolutions, was as follows:

"To the King's Most Excellent Majesty: The Humble Petition of the Lords and Commons assembled in Parliament.

"Your majesty's loyal subjects, the lords and commons in this parliament, do humbly represent unto your majesty, That notwithstanding your frequent professions to your parliament and the kingdom, and the late expression in your Answer of the 18th of May, to the Petition of the county of York, 'That your desire and intention is only the preserving of the true Protestant profession, the Laws of the land, the liberty of your People, and the peace of the kingdom,' nevertheless, with great grief, we perceive, by your Speech of the 12th of May, and the Paper printed in your majesty's name, in the form of a Proclamation, bearing date the 14th of May, and other evidences, that, under colour of raising a Guard to secure your person, (of which guard, considering the fidelity and care of your parliament, there can be no use,) your majesty doth command troops, both of horse and foot, to assemble at York; the very beginnings whereof were apprehended by the inhabitants of that county to be an affrightment and disturbance of your majesty's liege people, as appears by their Petition presented to your majesty; the continuing and increase of which forces is, and must needs be, a just cause of great jealousy and danger to your parliament, and to your whole kingdom.

"Therefore we humbly beseech your majesty, to disband all such forces, as, by your command, are assembled, and forthwith for your security, as your predecessors have done, upon the like, and the affections of your people, you will be pleased to desist from all further designs of this nature, content yourself with your usual and ordinary Guards, otherwise we shall hold ourselves bound in duty towards God, the trust reposed in us by the people, and the fundamental laws and constitutions of this kingdom, to employ our care and utmost power to secure the parliament and to preserve the peace and quiet of the kingdom."

Lord Herbert censured for [illegible] the Resolutions.] In the debate on the second of the above Votes, the Lord Herbert of Cherbury, speaking these words, "I should agree to it, if I could be satisfied that the king would make War upon the Parliament without cause," he was commanded to withdraw, but it became it was then late, his lordship was committed to the gentleman-usher, for the present. And the house took this business into further consideration. The next day the lord Herbert presented a Petition to the lords, declaring his sorrow for letting fall certain Words in the midst of a period, which had given offence; and therefore desired their lordships benign interpretation of them. This Petition satisfied the house, and he was released upon it. His lordship

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then [illegible] the house, That he might have left [illegible] in the country for his health; and, if he could not find them, to go beyond sea, or elsewhere [illegible] until further that he can declare to the [illegible] will appear in the sequel

The King's Answer to the Declaration.

Their Declaration being intituled, 'An Answer, by way of Declaration, to printed Papers, intituled, a Declaration of both houses of parliament, etc.' and their late majesty's last Message concerning the Militia' was put on us by the king's command, in the least considered to have many expressions in it tending unproper reflections on the parliament, and unbecoming that [illegible] the said Answer was in the follows

"We very well understand how unbecoming [illegible] below the high [illegible] and [illegible] hath pleased to [illegible] to trouble himself in the [illegible], that many scandalous and [illegible] libels and printed Papers which [illegible] with such heat because they [illegible] and [illegible] ing our earnest [illegible] proceed for a reformation of the [illegible], That the minds of many of our well subjects have been, and still are possessed by these means; and that so general a [illegible] possessed the minds and hearts of all people while the presses warm, and every day produceth new tracts against the established government of the church and state, must much want the courage or conscience to write, or the opportunity and encouragement to publish, such composed sober animadversions as might either preserve the minds of our good subjects from such infection, or restore and recover them when they are so infected. But we are contented to let ourself still to endure that may undeceive our people, and to like more than this way by our own pen that every thing hath done, when we find any thing that seems to carry the reputation and authority of either, or both houses of parliament, and will not have the same refuted or disputed by common and vulgar pens, till we are thoroughly informed whether those acts have, in truth, that countenance and warrant they pretend. Which regard of ours we doubt not but, in time, will recover that due reverence (the absence whereof we have too much reason to complain of) to our person and our Messages, which in all ages hath been paid (and no doubt is due) to the crown of England.—We have therefore taken notice of a printed Paper, intitled, 'A Declaration of both Houses of Parliament, in Answer to our last Message concerning the Militia, published by Command' the which we are unwilling to believe (both for the matter of it, the expressions in it, and the manner of publishing it) can result from the consent of both houses: neither do we know by what lawful command such unmanly and irreverent mention of us can be published to the world.

"All those Declarations of this kind have of late with too much boldness, broken in upon us and the whole kingdom, when one, or both houses, have thought fit to communicate their counsels and resolutions to the people; yet we are not willing to believe, that such a Declaration as this should be published as an Answer to our Message, without vouchsafing at least to send it to us as their Answer. The business for which they are met by our writs and authority, being to counsel us for the good of our people, not to write against us to our people. In consort of ours, for their long continuing together, enabling them to do any thing but what they were first summoned by us writ to do. At least we will believe, though Misunderstanding and Jealousy the Justice of God will overtake the Fomenters of that Jealousy, and the Promoters and Contrivers of that Misunderstanding) might produce (to say no worse) those very untoward expressions, yet if those houses had contrived that Declaration as an Answer to our Message, they would have vouchsafed some Answer to the Question proposed in ours, which we professed did and must evidently prevail over our misunderstanding, and, in their wisdom and gravity, they would have been sure to have stated the matters of fact, as (at least to ordinary understandings) might be unquestionable neither of which is done by that Declaration.—We do not know why we were, by that act, absolutely excluded from any power or authority in the execution of the Militia; and we must appeal to all the world, Whether such an attempt be not a greater and juster ground for Fear and Jealousy in us, than any one that is allowed for those destructive Fears and Jealousies, which are so publicly owned, almost to the ruin of the kingdom. But we have been told, 'That we must not be jealous of our Great Council of both houses of parliament.' We are not, no more than they are of us, their king; and hitherto they have not avowed any jealousy of, or disaffection to, our person, but imputed all to our evil Counsellors, to a Malignant Party that are not of their minds: so we do (and we do it from our soul) profess no Jealousy of our parliament; but of some turbulent, seditious, and ambitious natures; which, being not so clearly discerned, may have an influence even upon the actions of both houses, and if this Declaration hath passed by such consent, (which we are not willing to believe) it is not impossible but that the apprehension of such tumults, which have driven us from our city of London, for the safety of our person, may make such an impression in other men, not able to remove from the danger, to make them consent, or not to own a dissent, in matters not agreeable to their conscience [illegible]

* Robert Barker, the king's printer, who attended accordingly, and produced the secretary of states warrant as his voucher.

understanding.—We mentioned, [illegible] Answer, our dislike of the putting [illegible] names out of the bill whom before [illegible] commended to us in their pretended Ordinance, and the leaving out, by special provision, the present lord mayor of London, to all which this Declaration affords no Answer; and therefore we cannot suppose it was intended for an Answer to that our Message, which whosoever looks upon, will find to be in no degree answered by that Declaration.—But it informs all our subjects, after the mention with what humility the Ordinance was prepared and presented to us, (a matter very evident in the Petitions and Messages concerning it) and our refusal to give our consent, notwithstanding the several reasons offered of the necessity thereof, for the securing of our person, and the peace and safety of our people, (whether any such reasons were given, the weight of them, and whether they were not clearly and candidly answered by us, the world will easily judge) 'That they went at last necessitated to make an Ordinance by authority of both houses, to settle the Militia, warranted thereunto by the Fundamental Laws of the Land:' but in that Declaration had indeed intended to have answered us, it would have told our good subjects what those Fundamental Laws of the Land are, or did where to be found, and would at least have instructed our Ordinance, from the first beginning of parliaments to this present parliament, which endeavoured to impose any thing upon the subject without the king's consent, for of such all the inquiry we can make, could never produce us one instance. And if there be such hidden secret of the law, which hath lain hid from the beginning of the world to this time, and were discovered to take away the just legal Power of the King, we wish there be not some others crept (to be discovered when they please) for the ruin and destruction of the Liberty of the subject; for, no doubt, if the Votes of both houses have any such new limits to make a new law, it hath the same authority to repeal it: and so then what will become of the long established rights and liberties of the king and subject, and particularly of Magna Charta, will easily discerned by the most ordinary understandings.—It is true we did (out of our duty) refer to the constitution of the kingdom, and rule of the law, which we are bound to defend, and being most assured of the unjustifiableness of the pretended Ordinance in the and desire both our houses of parliament to settle whatsoever should be fit in that nature, by Act of Parliament: but were we therefore obliged to pass whatsoever should be brought to us of that kind? We did say to our Answer to the Petition of both houses, presented to us at York the 20th of March last, (and we have said the same in other Messages before) 'That we always thought it necessary the business of the Militia should be settled, and that we never denied the thing, only denied the way;' and we say the same still, since the many disputes and votes upon [illegible] and do, think it very necessary [illegible] wholesome law be provided for [illegible] but we declared, in our Answer [illegible] tended Ordinance, we expected that [illegible] cessary power should be first invested [illegible] before we consented to transfer it to [illegible] neither could it ever be imagined, that we [illegible] consent that a greater power should be in the hands of a subject, than we were thought worthy to be trusted with ourself; and if he could not be thought fit to make a new Act, or Declaration, in this point, we doubt not but we shall be able to grant such commissions, which shall, very legally, enable those we trust, to do all offices for the peace and quiet of the kingdom, if any disturbance shall happen.—But that Declaration saith, 'We were pleased to offer them a Bill ready drawn, and that they (to express their earnest zeal to correspond with our desire) did pass that Bill; yet all that expression of affection and loyalty, all that earnest desire of theirs to comply with us, produced no more effect than an absolute denial [illegible] of right, by our former Messages, (as that Declaration confesses) we had promised,' and in proceeds (under the pretence of intimating evil and wicked Counsels) to construe and reproach us in a dialect, that we are confident our loyal subjects will read with much indignation on our behalf. But sure, if that Declaration had passed the examination of both houses of parliament, they would never have affirmed, 'That the Bill we proposed to pass was the same with that which we thought the most safe and necessary answer to their Message,' whereas the [illegible] and intricacy between the two Bills is so particularly set down, would be answered with the bare intimation, 'That they could not be the same but?' No man would they have declared (when our exceptions to the Ordinance and the Bill are so notorious-ly known to all our people) 'That, care being taken to give satisfaction in all the particulars we had excepted against in the Ordinance, we had no reason to except to the Bill,' and much less Declaration infuseth, that our exception to the Ordinance was [illegible] That in the disposing and execution thereof we were excluded. And was not this an express reason in our Answer, for our refusal of the Bill, which this Declaration will needs confute? 'But the power was no other than to suppress Rebellion, Insurrection, and foreign Invasion; and the persons trusted no other than such as were nominated by the Great Council of the kingdom, and assented to by us.' And that Declaration asks, 'Which of these too great a power to trust these persons with?' Indeed what a great liberty is used in voting and declaring men to be enemies to the Common-Wealth, an English phrase scarcely understood, and in construing men for their service and Attendance upon our person, and in our lawful

[illegible] Lords [illegible]

commands, great heed must be taken into what hands we commit such a power to suppress Insurrection and Rebellion. And if Insurrection and Rebellion have found other definitions than what the law hath given them, we must be sure that no lawful power shall justify those definitions: and if there be learning found out to make sir John Hotham's taking arms against us, and keeping our town and fort from us, no treason or rebellion, we know not whether a new discovery may not find it rebellion in us to defend ourself from such arms, and to endeavour to recover what is so taken from us: and therefore it concerns us (till the known law of the land be allowed to be judge between us) to take heed into what hands we commit such power. Besides, can it be thought that, because we are willing to trust certain persons, we are obliged to trust them in whatsoever they are willing to be trusted? We say, no private hands are fit for such a trust, neither have we departed from any thing, in the least degree, we offered or promised before; though we might, with as much reason, have withdrawn our trust from some persons we before had accepted, as they did from others whom they recommended.—For the Power which we are charged to have committed to particular persons, for the space of 15 years, by our commissions of lieutenancy; it is notoriously known, that it was not a power created by us, but continued very many years, and in the most happy times this kingdom hath enjoyed, even those of our renowned predecessors queen Elizabeth, and our father of happy memory: and whatever authority was granted by those commissions, which were kept in the old forms, the same was determinable at our pleasure; and we know not that they produced any of those calamities, which might give our good subjects cause to be so weary of them as to run the hazard of so much mischief as that Bill, which we refused, might possibly have produced.—For the Precedents of former ages in the Commissions of Array, we doubt not but that when any such have issued out, the king's consent was always obtained, and the Commissions determinable at his pleasure; and then what the extent of power was, will be nothing applicable to this case of the Ordinance.—But whether that Declaration hath refuted our reasons for our refusal to pass the Bill or no, it hath resolved and required all persons in authority thereby to put the Ordinance in present execution, and all others to obey it, according to the fundamental Laws of the land: but we, whom God hath trusted to maintain and defend those fundamental Laws (which we hope he will bless to secure us) do declare, That there is no legal power in either or both houses, upon any pretence whatsoever, without our consent, to command any part of the Militia of this kingdom; nor hath the like ever been commanded by either or both houses since the first foundation of the laws of this land; and that the execution of, or the obedience to, [illegible] Ordinance, is against the fundamental Laws of the Land, against the Liberty of the Subject, the Right of Parliaments, and a high Crime in any that shall henceforth execute the same.—We do therefore charge and command all our loving subjects, of what degree or quality soever, upon their allegiance, and as they tender the peace of this kingdom, from henceforth, not to muster, levy or array, summon or warn, any of our Trained-Bands, to rise, muster, or march by virtue or under colour of that pretended Ordinance: and to this Declaration and command of ours we expect and require a full submission and obedience from all our loving subjects upon their allegiance, as they will answer the contrary at their perils, and as they tender the upholding of the true Protestant profession, the safety of our person and our royal posterity, and the peace and being of this kingdom."

Message of Thanks from the Parliament to the Scots Privy Council.] May 21. The following Message of Thanks, from both houses, was ordered to be sent to the Privy Council in Scotland, for their advising the king to return to his Parliament, &c.

"The Declaration of the lords of the privy council of the kingdom of Scotland, made the 22nd of April, 1642, see p. 1217, having been perused and seriously considered by the lords and commons of the parliament in England, they have, by the consent of both houses, ordered, That, in their name, the commissioners for the kingdom of Scotland be intreated to return Thanks to that honourable table of the Privy Council of Scotland, for their great affection expressed to his majesty and this kingdom and for their wise and sound counsel given to the king to return to his parliament, being his best and most impartial council, and to lay aside his purpose of going into Ireland; in both which they have fully concurred with the humble Petitions and desires presented to his majesty from both houses.—And as they have never given his majesty any just cause of Jealousy or Fears, but, in all their proceedings, have aimed at his honour, happiness, and safety, without any other design, but only to preserve and secure the true Protestant Religion, and the antient Liberties of this Kingdom, so will they carefully endeavour, by all fit means, to work in his majesty a right understanding of their loyal intentions and most affectionate desires for the common good of his majesty and his kingdoms; which can have no lasting nor sure foundations but in the mutual confidence betwixt him and his parliament: for the better obtaining whereof they intreat them to continue and renew such their good advice to his majesty, and to suppress the attempts of those who, upon causeless pretences and suggestions, shall persuade them to interpose in those unhappy differences, in such a manner as may weaken the confidence, or endanger the peace of the two kingdoms: and that their lordships will please to remember with what caution and tenderness, the state of Scotland have heretofore endeavoured that that king-

...ment might receive no prejudice by any proceedings of his majesty's privy council of England; the example of whose wisdom herein this parliament is willing to follow, and will always be very careful of the preservation of the mutual affection betwixt the two kingdoms; according to the treaties ratified in both parliaments, the strong inclination which they bear to that nation, and the interest they have in the prosperity thereof so much conducing to the establishment and security of the true religion and just liberties of this kingdom. For the better improving and applying this mutual affection and correspondence to the settling of the present troubles, it is desired by both houses of this parliament of England, that their lordships will send a Catalogue of those several Messages, Declarations, Answers and Instructions, which they have received from his majesty, that concern this kingdom; that so they may the better remove any doubt or mistake of their actions, which may be drawn from any such writings; and that likewise intend to send to the Council of Scotland, such Declarations, Petitions, and Remonstrances as they shall have occasion to make to their majesty and this kingdom, whereby their lordships may be the more fully informed of the true Grounds of their proceedings, and the unity and mutual intelligence betwixt the two kingdoms may be held in continual practice and exercise for the good of both."

Declaration of both Houses re-pleading the Message, &c. before the Scots Army.] About this time a long Declaration, or Remonstrance, of Parliament is published in pursuance of an Order of both houses, of the 19th of June, to that purpose. As the piece contains a Recapitulation of all the Errors and Miscarriages in Government from the beginning of the last parliament, and also a Vindication of the proceedings of this parliament in consequence thereof, it is too important to be omitted; therefore I shall insert it at length, and especially as it contains the substance of the Declaration of both houses, sent to the Scots army, which we have before given at large. Declaration, &c. "Whereas, &c. [Declaration of the 19th of June.] And this declaration, &c. [Declaration of the 19th of June.] And this declaration, &c. [Declaration of the 19th of June.] And this declaration

that which was presented to his majesty, from both houses of parliament, at Newmarket, the 9th of March, 1641, the other, his majesty's Answer to the Petition of both houses, presented to his majesty the 26th of March, 1642, both which are filled with harsh censures and causeless charges upon the parliament, concerning which we hold it necessary to give satisfaction to the kingdom, seeing we find it very difficult to satisfy his majesty; whom, to our great grief, we have found to be so engaged to, and possessed by, those misapprehensions which evil counsellors have wrought in him, that our most humble and faithful Remonstrances have rather irritated and embittered, than any thing allayed or mitigated, the sharp expressions which his majesty hath been pleased to make in Answer unto them, for the manifestation whereof, and of our own innocency, we desire that all his majesty's loving subjects may take notice of these particulars. We know no occasion given by us, which might move his majesty to tell us, 'That in our Declaration, presented at Newmarket, there were some expressions different from the usual language to princes.' Neither did we tell his majesty, either in words or in effect, 'That if he did not join with us in an act, which his majesty conceived might prove prejudicial and dangerous to himself and the whole kingdom, we would make a law without him, and impose it upon the people.' That which we desired was That, in regard of the imminent danger of the kingdom, the Militia, for the security of his majesty and his people, might be put under the command of such noble and faithful persons as they had all cause to confide in: and such was the necessity of this preservation, that we declared, 'That if his majesty should refuse to join with us therein, the two houses of parliament, being the supreme court and highest council of the kingdom, were enabled, by their own authority, to provide for the repulsing of such imminent and evident danger, not by any new law of their own making, as hath been untruly suggested to his majesty; but by the most antient law of this kingdom, even that which is fundamental and essential to the constitution and substance of it.' Although we never desired to encourage his majesty to such Replies as might produce any contestation betwixt him and his parliament, of which we never found better effect than loss of time and hinderance of the public affairs; yet we have been far from telling him, 'Of how little value his words would be with us, much less when they are accompanied with actions of love and justice.' His majesty hath more reason to find fault with those wicked counsellors, who have so often bereaved him of the honour, and his people of the fruit, of many gracious Speeches which he made to them; such as those in the end of the last parliament, 'That on the word of a King, and as he was a gentleman, he would redress the grievances of his people, as well out of parliament as in it.' Were the searching the studies and chambers, yea, the pockets, of some, both of the nobility and commons, the very next day; the commitment of Mr Bellasis, sir John Hotham, and Mr. Crew; the continued oppressions by Ship-Money, Coat and Conduct-Money, with the manifold Imprisonments, and other Vexations thereupon, and other ensuing violations of the laws and liberties of the kingdom, (all which were the effects of evil Counsel, and abundantly declared in our general Remonstrance of the State of the kingdom) actions of love and justice suitable to such words as those? As gracious was his majesty's Speech in the beginning of this parliament, 'That he was resolved to put himself freely and cleerly, upon the love and affection of his English subjects.' Whether his causeless complaints and jealousies, the unjust imputations so often cast upon his parliament, his denial of their necessary defence by the Ordinance of the Militia, his dangerous absenting himself from his great council, like to produce such a mischievous division in the kingdom, have not been more suitable to other men's evil counsels than to his own words, will easily appear to any indifferent judgment. Neither have his latter Speeches been better used and preserved by these evil and wicked counsellors: could any words be fuller of love and justice than these, in his Answer to the Message sent by the house of commons the 31st of December, 1641, 'We do engage unto you solemnly the Word of a king, that the security of all and every one of you from violence is, and ever shall be, as much our care, as the preservation of us and our children.' And could any actions be fuller of injustice and violence than that of the Attorney General, in falsely accusing the six members of parliament, and the other proceedings thereupon, within three or four days after that Message? For the full view whereof let this Declaration, made of those proceedings, be perused. By these instances (we could add many more) let the world judge, who deserves to be taxed with disvaluing his majesty's words; they who have, as much as in them lies, stained and sullied them with such foul counsels; or the parliament, who have ever manifested, with joy and delight, their humble thankfulness for those gracious words and actions of love and justice, which have been conformable thereunto. The king is pleased to disavow the having any such evil counsel, or counsellors, as are mentioned in our Declaration, to his knowledge; and we hold it our duty humbly to avow there are such, or else we must say, That all the ill things, done of late in his majesty's name, have been done by himself; wherein we should neither follow the direction of the law, nor the affection of our own hearts; which is, as much as may be, to clear his majesty from all imputation of misgovernment, and to lay the fault upon his ministers. The false accusing of six members of parliament, the justifying Mr. Attorney in that false accusation; the violent coming to the house of commons; the denial of the Militia; the sharp Messages to both houses, contrary to the cus-

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tom of former kings; the long and remote absence of his majesty from parliament; the heavy and wrongful taxes upon both houses; the cherishing and countenancing a discontented party in the kingdom against them: these certainly are the fruits of very ill counsel, apt to put the kingdom into a combustion, to hinder the supplies of Ireland, and to countenance the proceedings and pretensions of the rebels there; and the authors of these evil counsels, we conceive must needs be known to his majesty, and we hope our labouring with his majesty to have these discovered and brought to a just censure, will not so much wound his honour in the opinion of his good subjects, as his labouring to preserve and conceal them. And whereas his majesty saith, 'He could wish that his own immediate actions, which he avows on his own honour, might not be so roughly censured under that common style of evil counsellors:' we could also heartily wish, we had not cause to make that style so common; but how often and undutifully soever these wicked counsellors fix their dishonour upon the king, by making his majesty the author of those evil actions which are the effects of their own evil counsels, we his majesty's loyal and dutiful subjects can use no other style, according to that maxim in the law, 'The King can do no Wrong,' but if any ill be committed in matter of state, the council must answer for it; if in matters of justice, the judges. We lay no charge upon his majesty, which should put him upon that apology, concerning his faithful and zealous affection to the Protestant profession; neither doth his majesty endeavour to clear those in greatest authority about him, by whom we say, that design hath been potently carried on for divers years, and we rather wish that the mercies of Heaven, than the judgments, may be reinvested upon them; but that there have been such, there are so plentiful and frequent evidences, that we believe there is none, either Protestant or Papist, who hath had any reasonable view of the passages of latter times, but, either in fear or hope, did expect a sudden issue of this design. We have no way transgressed against the Act of Oblivion, by remembering the intended war against Scotland, as a branch of that design to alter religion, by those wicked counsels, from which God did then deliver us, which we ought never to forget.—That the rebellion in Ireland was framed and cherished by the Popish and Malignant party in England, is not only affirmed by the rebels, but may be cleared by many other proofs: the same rebellious principles of pretended religion, the same politic ends are apparent in both; and their malicious designs and practices are masked and disguised with the same false colour of their earnest zeal to vindicate his majesty's prerogative from the supposed oppression of the parliament: how much these treacherous pretences have been countenanced by some evil counsel about his majesty may appear in this, That the Proclamation, whereby they were declared Traitors, was so long withheld an to the 2nd of Jan. though the Rebellion broke forth in Oct. before; and then no more but 40 copies appointed to be printed, with a special command from his majesty not to exceed that number; and that none of them should be published till his majesty's pleasure were further signified, as by the warrant appears;* so that a few only could take notice of it: this was made more observable, by the late contrary proceedings against the Scots; who were, in a very quick and sharp manner, proclaimed traitors; and those Proclamations forthwith dispersed, with as much diligence as might be, through all the kingdom, and ordered to be read in all churches, accompanied with public prayers and exercises. Another evidence of favour and countenance to the rebels, in some of power about his majesty, is this, That they have put forth, in his majesty's name, a causeless complaint against the parliament, which speaketh the same language of the parliament which the rebels do; thereby to raise a belief in men's minds, that his majesty's affections are alienated, as well as his person is removed, from that his great council. All which doth exceedingly retard the supplies of Ireland, and more advance the proceedings of the rebels, than any jealousy or misapprehension begotten in his subjects, by the declaration of the rebels, the injunctions of Rosetti, or the information of Tristram Whitcombe: so that, considering the present state and temper of both kingdoms, his royal presence is far more necessary here than it can be in Ireland, for the redemption or protection of his subjects there. And whether there be any cause of his majesty's great indignation, far being reproached to have intended force or threatening to the parliament, we desire them to consider who shall read our Declaration; in which there is no word tending to any such reproach: and certainly we have been more tender of his majesty's honour in this point, than he, whosoever he was, that did write this Declaration; where, in his majesty's name, he doth call God to witness, 'He never had any such thought, or knew of any such resolution of bringing up the army;' which, truly, will seem strange to those, who shall read the deposition of Mr. Goring, the information of Mr. Percy, and divers examinations of Mr. Wilmot, Mr. Pollard, and others; the

* The warrant here referred to was as follows: "It is his majesty's pleasure that you forthwith print, in a very good paper, and send unto me, for his majesty's service, forty copies of the Proclamation inclosed, leaving a convenient space for his majesty to sign above, and to affix the privy-signet underneath: and his majesty's express command is, That you print not above the said number of forty copies; and forbear to make any further publication of them, till his pleasure be further signified, for which this shall be your warrant.—EDWARD NICHOLAS. Whitehall, January, 2, 1641. To his Majesty's Printer."

examinations of Capt. Legge, sir Jacob Astley, and sir John Conyers; and consider the condition and nature of the Petition, which was sent unto sir Jacob Astley, under the approbation of C. R. which his majesty doth now acknowledge to be his own hand, which, being full of scandal to the parliament, might have proved dangerous to the whole kingdom, if the army should have interposed betwixt the king and them, as was desired.—We do not affirm That his majesty's warrant was granted for the passage of Mr Jermine, after the desire of both houses for the restraint of his servants, but only, That he did pass over, after that restraint, by virtue of such a warrant. We know the warrant bears date the day before our desire; yet it seems strange to those who know what great respect and power Mr. Jermine had in court, that he should begin his journey in such haste, and in apparel so unfit for travel, as a black satin suit and white boots, if his going away were designed the day before.—The Accusation of the lord Kimbolton and the five Members of the house of commons, is called a Breach of Privilege; and truly so it was, and a very high one, far above any satisfaction that hath been yet given. How can it be said to be 'largely satisfied,' so long as his majesty laboured to preserve Mr. Attorney from punishment, who was the visible actor in it? So long as his majesty hath not only justified him, but, by his letter, declared, 'That it was his duty to accuse them; and that he would have punished him, if he had not done it?' So long as those members have not the means of clearing their innocency, and the authors of that malicious charge undiscovered, though both houses of parliament have several times petitioned his majesty to discover them; and that not only upon grounds of common justice, but by act of parliament, his majesty is bound to do it? So long as the king refuseth to pass a bill for their discharge, alledging, 'That the Narration in that bill is against his honour,' whereby he seems still to avow the matter of that false and scandalous accusation, though he deserts the prosecution; offering to pass a bill for their acquittal, yet with intimation, 'That they must desert the avowing their own innocency?' which would more wound them in honour, than secure them in law. And, in vindication of this great privilege of parliament, we do not know that we have invaded any privilege belonging to his majesty, as is alledged in the Declaration. But we look not upon this only, in the notion of a Breach of Privilege, which might be, though the accusation were true or false; but under the notion of a heinous crime in the Attorney and all other subjects who had a hand in it; a crime against the law of nature; against the rules of justice, that innocent men should be charged with so great an offence as Treason, in the face of the highest judicatory of the kingdom; whereby their lives and estates, their blood and honour, are endangered, without witness, without evidence, without all possibility of reparation, in a legal course; yet a crime of such a nature, that his majesty's command can no more warrant, than it can any other acts of injustice. It is true, those things which are evil in their own nature, such as a false testimony or false accusation, cannot be the subject of any command, or induce any obligation of obedience upon any man, by any authority whatsoever; therefore the Attorney, in this case, was bound to refuse to execute such a command, unless he had some such evidence or testimony as might have warranted him against the parties, and be liable to make satisfaction if it should prove false: and it is sufficiently known to every man, and adjudged in parliament, that the king can be neither relator, informer, nor witness. If it rest as it is, without further satisfaction, no future parliament can be safe, but that the members may be taken and destroyed at pleasure, yea the very principles of government and justice will be in danger to be dissolved.—We do not conceive that numbers do make an assembly unlawful; but when either the end or manner of their carriage shall be unlawful. Divers just occasions might draw the citizens to Westminster, where many public and private Pattions, and other causes, were depending in parliament; and why that should be found more faulty in the citizens, than the resort of great numbers every day in the term to the ordinary courts of justice, we know not. That those citizens were notoriously provoked and assaulted at Westminster, by colonel Lunsford, captain Hide, with divers others, and by some of the servants of the abp. of York, is sufficiently proved; and that afterward they were more violently wounded, and most barbarously mangled with swords by the officers and soldiers near Whitehall, many of them being without weapons, and giving no cause of distaste, is likewise proved by several testimonies: but if any scandalous or heinous misdemeanors of theirs, that might give his maj good cause to suppose his own person, or those of his royal consort or children, to be in apparent danger, we have had no proof ever offered to either house; and if there had been any complaint of that kind, it is no doubt the houses would have been as forward to join in an Order for the Suppressing of such tumults, as they were, not long before, upon another occasion, when they made an Order to that purpose: whereas those officers and soldiers, which committed that violence upon so many of the citizens at Whitehall, were cherished and fostered in his majesty's house; and when, not long after, the common council of London presented a Petition to his majesty for reparation of those injuries, his majesty's Answer was, without hearing the proof of the complainants, 'That if any citizen were wounded or ill treated, he may was confidently assured that it happened by their own evil and corrupt demeanors.'—We hope it cannot be thought contrary to the duty and wisdom of a parliament, if many concurrent, and frequently reiterated and renewed, advertisements from Rome, Venice, Paris, and

Proclamation—diuyll tiffyns ellstilla parliamentum Dei [illegible]

other parts; if the solicitation of the Pope's nuncio and our own discontented fugitives, do make us jealous and watchful for the safety of the state. And we have been very careful to make our expressions thereof so easy and so plain to the capacity and understanding of the people, that nothing might, justly, suck with them with reflection upon the person of his majesty; wherein we appeal to the judgment of any indifferent person, who shall read and peruse our own words.—We must maintain the Ground of our Fears to be of that moment that we cannot discharge the trust and duty which lies upon us, unless we do apply ourselves to the use of those means, to which the law hath enabled us, in cases of this nature, for the necessary defence of the kingdom and as his majesty doth graciously declare, 'The Law shall be the Measure of his Power;' so do we most heartily profess, That we shall always make it the Rule of our Obedience."

Prudent Omissions in the KING'S ANSWER.

"The next Point of our Declaration was, with much caution, artificially passed over by him who drew his majesty's Answer, it being indeed the foundation of all our misery and his majesty's trouble, That he is pleased to levy general taxes upon his parliament, without any particular charge to which they may give satisfaction, and that he hath often caused them his pleasure against particular persons upon misinformation, and although those informations have been clearly proved to be false, yet he would never bring the accusers to question, which leveth an impossibility upon honest men of clearing themselves, and gives encouragement unto false and unworthy persons to trouble him with untrue and groundless informations. Three particulars we mentioned in our Declaration, which the penner of that Answer had good cause to omit, viz. 'The Words supposed to be spoken at Kensington, the pretended Articles against the Queen, and the groundless Accusation of the six Members of the Parliament;' there being nothing to be said to defence or denial of any of them.—Concerning his majesty's desire to join with his parliament, and with his faithful subjects, in defence of Religion and the Public good of the kingdom;' we doubt not but he will do it fully when evil Counsellors shall be removed from about him; and until that be, as we shewed before of words, so must we also say of laws, that they cannot secure us. Witness the Petition of Right, which was followed with such an inundation of illegal taxes, that we had just cause to think that the payment of 850,000*l.* was an easy burden to the common-wealth in exchange of them: and we cannot but justly think, that, if there be a continuance of such ill counsellors and favour to them, they will, by some wicked device or other, make the bill for the Triennial Parliament, and those other excellent laws mentioned in his majesty's Declaration, of less value than words.—That excellent bill, for the 'Continuance of this Parliament,' was so necessary, that, without it, we could not have raised such great sums of money for the service of his maj. and the common-wealth as we have done; and, without which, the ruin and destruction of the kingdom must needs have followed: and we are resolved the gracious favour of his majesty expressed in that bill, and the advantage and security which, thereby, we have from being dissolved, shall not encourage us to do any thing, which, otherwise, had not been fit to have been done. And we are ready to make it good before all the world, that although his maj. hath passed many bills very advantageous to the subject; yet, in none of them, have we perceived his majesty of any just, necessary, or profitable prerogative of the crown.—We so earnestly desire his majesty's Return to London, that upon it, we conceive, depends the very safety and being of both his kingdoms. And therefore we must protest, That, as for the time past, neither the government of London, nor any laws of the land, have lost their life and force for his security; so, for the future, we shall be ready to do or say any thing that may stand with the duty or honour of a parliament, which may raise a mutual confidence betwixt his majesty and us, as we do wish, and as the affairs of the kingdom do require.—Thus far the Answer to that which is called his majesty's Declaration hath led us, now we come to things which are intitled, 'His Majesty's Answer to the Petition of both houses, presented to him at York the 26th of March, 1642.' In the beginning whereof his maj. wisheth, 'That our Privileges on all parts were so stated, that this way of correspondency might be preserved, with that freedom which hath been used of old.' We know nothing introduced by us, that gives any impediment hereunto; neither have we informed our privileges to be broken, when his majesty denies us any thing, or gives a reason why he cannot grant it: or that those, who advised such denial, were enemies to the peace of the kingdom, and favourers of the Irish Rebellion, in which a person, that is termed into a general assertion, which, in our Votes, is applied to a particular case; whereof we must maintain our Votes, 'That those who advised his majesty to contradict that which both houses, in the question concerning the Militia, had declared to be law, and commund it should not be obeyed, is a high Breach of Privilege, and that those who advised his majesty to absent himself from his parliament, are enemies to the peace of the kingdom, and justly to be suspected to be favourers of the rebellion in Ireland:' the Reasons of both are evident; because, in the first, there is a great derogation from the trust and authority of parliament; and, in the second, as much advantage to the proceedings and hopes of the rebels, as may be. And we hold it a very causeless imputation upon the parliament, That we have herein any way impeached, much less taken away, the freedom of his majesty's vote; which doth not import a liber-

ty for his majesty to deny any thing, how necessary soever, for the preservation of the kingdom; much less a licence to evil counsellors to advise any thing, though never so destructive to his majesty and his people.—By the Message of the 20th of Jan. his maj did propound to both houses of parliament, 'That they would, with all speed, fall into a serious consideration of all those particulars which they thought necessary, as well for the Upholding and Maintaining his majesty's just and regal Authority, and for Settling his Revenue, as for the present and future establishing our privileges; the free and quiet enjoying our estates; the liberties of our persons; the security of the true religion professed in the church of England; and the settling of ceremonies in such a manner as may take away all just offence; and to digest it into one entire body.'—To that point of Upholding and Maintaining his Royal Authority; we say nothing hath been done to the prejudice of it, that should require any new provision. To the other, of Settling the Revenues; the parliament hath no way abridged or disordered his just revenue; but it is true, that much waste and confusion of his majesty's estate hath been made, by those evil and unfaithful ministers, whom he hath employed in the managing of it; whereby his own ordinary expences would have been disappointed, and the safety of the kingdom more endangered, if the parliament had not, in some measure, provided for his household, and for some of the forts, more than they were bound to do; and they are still willing to settle such a revenue upon his maj. as may make him live royally, plentifully, and safely; but they cannot, in wisdom and fidelity to the commonwealth, do this, till he shall chuse such counsellors and officers as may order and dispose it to the public good; and not apply it to the ruin and destruction of his people, as heretofore it hath been: but this, and the other matters concerning ourselves, being works of great importance, and full of intricacy, will require so long a time of deliberation, that the kingdom might be ruined before we should effect them; wherefore we thought it necessary, first to be suitors to his maj. so to order the Militia, that, the kingdom being secured, we might, with more ease and safety, apply ourselves to debate of that Message, wherein we have been interrupted by his majesty's denial of the Ordinance concerning the same; because it would be in vain for us to labour in other things, and, in the mean time, to leave ourselves naked to the malice of so many enemies, both at home and abroad: yet we have not been altogether negligent of those things, which his maj. is pleased to propound in that Message; we have agreed upon a Book of Rates, in a larger proportion than hath been granted to any of his majesty's predecessors, which is a considerable support of his majesty's publick charge; and have likewise prepared divers propositions and bills for the preservation of our religion and liberties, which we intend shortly to present to his majesty; and to do whatsoever is fit for us, to make up this unpleasant breach between his maj. and the parliament.—Whereas divers exceptions are here taken concerning the Militia; first, 'That his majesty never denied the thing, but accepted the persons, except for corporations; only that he denied the way.' To which we answer, That that exception takes off London, and all other great towns and cities, which makes a great part of the kingdom; and for the way of Ordinance, it is ancient, more speedy, more easily alterable; and, in all these and other respects, more proper and more applicable to the present occasion, than a Bill, which his majesty calls 'the only good old way of imposing upon his subjects.' It should seem that neither his majesty's royal predecessors, nor our ancestors, have heretofore been of that opinion; for in 37 Edw. 3. we find this record, 'The chancellor made declaration of the challenge of the parliament; the king desires to know the griefs of his subjects, and to redress enormities. The last day of the parliament the king demanded of the whole estates, Whether they would have such things as they agreed on, by way of Ordinance or Statute; who answered, By way of Ordinance, for that they might amend the same at their pleasure; and so it was.'[a] But his majesty objects further, 'That there is somewhat in the Preface, to which he could not consent with justice to his honour and innocence; and that thereby he is excluded from any power in the disposing thereof.' These objections may seem somewhat, but indeed will appear nothing, when it shall be considered, That nothing in the preamble lays any charge upon his majesty; or, in the body of the Ordinance, that excludes his royal authority in the disposing or execution of it; but only it is provided, 'That it should be signified by both houses of parliament,' as that channel through which it will be best derived, and, most certainly, to those ends for which it is intended. and let all the world judge, whether we have not reason to insist upon it, That the strength of the kingdom should rather be ordered according to the direction or advice of the Great Council of the land, equally intrusted by the king and the kingdom, than that the safety of the king, parliament, and kingdom should be left at the devotion of a few unknown counsellors; many of them not intrusted at all by the king in any public way, nor at all confided in by the kingdom. We wish the Danger were not imminent, or not still continuing; but we cannot conceive that the long time spent in this debate is evidence sufficient, 'That there was no such necessity or danger, but a bill might easily have been prepared; for when many causes do concur to the danger of a state, the interruption of any one may hinder the execution of the rest, and yet the design be still kept on

[a] The reader will find the authority, here cited, in vol. i. p. 128.

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foot for better opportunities: who knows whether the ill success of the rebels in Ireland hath not hindered the insurrection of the Papists here? Whether the preservation of the six Members of the parliament, falsely accused, hath not prevented that plot of the breaking the neck of the parliament, of which we were informed from France, not long before they were accused? Yet, since his maj. had been pleased to express his pleasure rather for a Bill than an Ordinance, and that he sent in one for that purpose, we readily entertained it; and, with some small and necessary alterations, speedily passed the same but, contrary to the custom of parliament, and our expectation grounded upon his majesty's own invitation of us to that way, and the other reasons manifested in our Declaration concerning the Militia, of the 5th of May, instead of his royal assent, we met with an absolute refusal.—If the matter of those our Votes of the 15th and 16th of March, be according to law, we hope his majesty will allow the subjects to be bound by them; because he hath said, 'He will make the Law the rule of his Power:' and if the question be, Whether that be law which the lords and commons have once declared to be so, who shall be the judge? Not his majesty, for the king judgeth not of matters of law, but by his courts; and his courts, though sitting by his authority, expect not his assent in matters of law not any other courts, for they cannot judge in that case, because they are inferior; no appeal lying to them from parliament, the judgment whereof is, in the eye of the law, the king's judgment in his highest court; though the king, in his person, be neither present nor assenting thereunto.—The Votes at which his majesty takes exceptions are these: 1. 'That the king's absence so far remote from the parliament is not only an obstruction, but may be a destruction to the affairs of Ireland.' 2. That when the lords and commons shall declare what the law of the land is, to have this not a question, but controverted, but contradicted and commanded that it should not be obeyed, is a high breach of the privilege of parliament. 3. That those persons that advised his maj. to absent himself from the parliament, are enemies to the peace of the kingdom, and justly may be suspected to be favourers of the Rebellion in Ireland. 4. That the kingdom hath been of late, and still is, in so imminent danger, both from enemies abroad, and a Popish and discontented party at home, that there is an urgent and inevitable necessity of putting his majesty's subjects into a posture of defence, for the safeguard both of his majesty and his people. 5. That the lords and commons, fully apprehending this danger, and being sensible of their own duty to provide a suitable prevention, have, in several Petitions, addressed themselves to his majesty for the ordering and disposing the Militia of the kingdom, in such a way as was agreed upon, by the wisdom of both houses, to be most effectual and proper for the present exigencies of the kingdom, yet could not obtain it; but his majesty did, several times, refuse to give his royal assent thereunto. 6. That in this case of extreme danger, and his maj.'s refusal, the Ordinance of parliament agreed upon by both houses, for the Militia, doth oblige the people, and ought to be obeyed, by the fundamental laws of this kingdom.' By all which it doth appear, that there is no colour of this tax, 'That we go about to introduce a new law,' much less to exercise an arbitrary power; but indeed to prevent it: for this law is as old as the kingdom That the kingdom must not be without a means to preserve itself; which, that it may be done without confusion, this nation hath intrusted certain hands with a power to provide, in an orderly and regular way, for the good and safety of the whole; which power, by the constitution of this kingdom, is in his maj. and in his parliament together; yet since the prince, being but one person, is more subject to accidents of nature and chance, whereby the commonwealth may be deprived of the fruit of that trust which was in part reposed in him; in cases of such necessity, that the kingdom may not be inforced presently to return to its first principles, and every man left to do what is right in his own eyes, without either guide or rule, the wisdom of this state hath intrusted the houses of parliament with a power to supply what shall be wanting on the part of the prince, as is evident by the constant custom and practice in cases of non-age, natural disability, and captivity, and the like reason doth, and must, hold for the exercise of the same power in such cases, where the royal trust cannot be or is not discharged, and that the kingdom runs in evident and imminent danger thereby, is in danger, having been declared by the lords and commons in parliament, there need not the authority of any person or court to affirm, nor is it in the power of any person or court to revoke, that judgment.—We know the king hath ways enough, in his own courts of justice, to punish such seditious Pamphlets and Sermons as are any way prejudicial to his rights, honour, and authority; but if any of them have been so insolently published and vilified, his majesty's own counsel and officers have been to blame, and not the parliament, or ever did restrain any proceedings of that kind in other courts, nor refuse any fit complaint to it. The 'Protestation Protested' was referred by the commons house to a committee, and the author not being produced, the printer was committed to prison, and the book voted by that committee to be burnt, but sir Edw Dering, who was to make that report of the Votes of that committee, neglected to make it. The 'Apprentices Protestation was never complained of, but the other seditious pamphlet, 'To your Tents, O Israel,' was once questioned, and the full prosecution of it was not interrupted by any fault of either house, whose forwardness to do his majesty all right therein may plainly appear, in that

a committee of lords and commons was purposely appointed to take such informations as the king's counsel should present, concerning seditious words, practices or tumults, pamphlets or sermons, tending to the derogation of his majesty's rights or prerogative, and his counsel were enjoined by that committee, to inquire and present them, who several times met thereupon, and received this Answer and Declaration from the king's counsel, 'That they knew of no such thing as yet'—If his maj. had used the service of such a one in penning this Answer, who understood the laws and government of this kingdom, he would not have thought it legally in his power to deny his parliament a Guard, when they stood in need of it, since every ordinary court hath it, neither would his majesty, if he had been well informed of the laws, have refused such a guard as they desired, it being in the power of inferior courts to command their own guard, neither would he have imposed upon them such a guard under a commander which they could not confide in; which is clearly against the privileges of parliament, and of which they found very dangerous effects, and therefore desired to have it discharged: but such a guard, and so commanded, as the houses of parliament desired, they could never obtain of his majesty; and the placing of a guard about them contrary to their desire, was not to grant a guard to them, but, to effect, to set one upon them. All which considered, we believe, in the judgments of any indifferent persons, it will not be thought strange if there were a more than ordinary resort of people at Westminster, of such as came willingly, of their own accord, to be witnesses and helpers of the safety of those whom all his majesty's good subjects are bound to defend from violence and danger, or that such a concourse as this, they carrying themselves quietly and peaceably as they did, ought, in his majesty's apprehension, or can, in the interpretation of the law, be held tumultuary and seditious.—When his majesty, in that question of 'Violation of the Laws,' had expressed the observation of them indefinitely, without any limitation of time; although we never said or thought any thing that might look like a reproach to his majesty, yet we had reason to remember that it had formerly been otherwise, lest we should seem to desert our complaints and proceedings thereupon, as his maj. doth seem but little to like or approve of them, for although he doth acknowledge here that great mischief which grew by that arbitrary power then complained of, yet such are continually preferred and countenanced as were friends or favourers of, or related unto, the chief authors and actors of that arbitrary power and of those false colours and suggestions of imminent danger and necessity, whereby they did make it plausible unto his majesty; and, on the other side, such as did appear against them are daily discountenanced and disgraced, which, whilst it shall be so, we have no reason to judge the disease to be yet killed and dead at root; and therefore no reason to hurry it to oblivion. And whilst we behold the spawne of those mischievous principles cherished and fostered in that new generation of counsellors, friends and abettors of the former, or at least concurring with them in their malignancy against the proceedings of this parliament, we cannot think ourselves secure from the like or a worse danger.—And here the penner of the Answer bestows an admonition upon the parliament, bidding us 'take heed we fall not upon the same error, upon the same suggestions,' but he might have well spared this, till he could have shewed wherein we had exercised any power otherwise than by the rule of the law; or could have found a more authentic or a higher judge in matters of law than the high court of parliament. It is declared in his majesty's name 'That he is resolved to keep this rule himself, and, to his power, to require the same of all others.' We must needs acknowledge that such a resolution is like to bring much happiness and blessing to his majesty and all his kingdoms, yet, with humility, we must confess we have not the fruit of it, in that case of the lord Kimbolton, and the other 5 Members, accused contrary to law, both common law and statute law, and yet remaining unsatisfied, which case is remembered in our Declaration as a strange and unheard-of violation of our laws; but the penner of this Answer thought fit to pass it over, hoping that many would read his maj.'s Answer, which hath been so carefully dispersed, who would not read our Declaration.—Whereas, after our ample thanks and acknowledgement of his majesty's favour in passing many good bills, we said, 'That truth and necessity inforced us to add this, that, in or about the time of passing those bills, some design or other hath been on foot, which, if it had taken effect, would not only have deprived us of the fruit of those bills, but would have reduced us to a worse condition of confusion, than that wherein the parliament found us.' It is now told us, 'That the king must be most sensible of what we cast upon him, for requital of those good bills;' whereas, out of our usual tenderness of his majesty's honour, we did not mention him at all. but so ingenious are those wicked counsellors to the ruine and honour of their master and sovereign, that, as much as they can, they lay their own infamy and guilt upon his shoulders.—Here God is also called to witness 'his majesty's upright intentions at the passing of those laws.' This we will not question; neither did we give any occasion for such a solemn asseveration as this is. The Devil is likewise defied to prove there was any design, with his majesty's knowledge or privity. This might well have been spared, for we spake nothing of his majesty; but since we are so far taxed as to have it confirmed, 'That we laid a notorious and false imputation upon his majesty,' we have thought it necessary for the just defence of our own innocency, to cause the Oaths and Examinations, which have been taken concerning

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e design, to be published in a full Narration,
isfaction of all his ma[illegible] subjects; in
which we shall now offer some few particu-
s whereby the world may judge whether
could have proceeded with more tenderness
his majesty that we have done. Mr
[illegible] confesseth, 'That the King first asked
Wilmot whether he were engaged to any that
ering the army and commanded him to
h Mr. Percy, Mr Jermyn and some
whom they did not name to Mr
' chamber, who then took the oath of
y, and the rest did the like, as was
nded by Mr Jermyn, to secure the Tower,
to consider of [illegible] for the Navy in
don.' And captain Legg confesseth 'He
received the direction of a Petition to the
g's presence,' and to inquire into the dig-
it was found in the closet. And [illegible]
reads the sum of that Petition, which is proved
by the testimony of sir Jacob Ashley, sir John
Conyers, and captain Legg, to consist principally
some points which tend to beget in the soldiers
discontent against the parliament. And [illegible]
any man believe [illegible] was no design in the
accusation of the Lord Kimbolton and five
in which his majesty doth now learn it to be
both a commander and an actor? These things
being so, it will evidently appear to be much
against the rules of prudence, that the manner
of the Answer should not [illegible] may in this
juncture seem apology, as it is against the rules
of justice, that his reputation from us should
be either yielded or doubted —I [illegible]
sed in his majesty's name, 'That he is [illegible]
sensible of the burdens [illegible] which
makes us hope that in what time he [illegible]
which will be most [illegible] ease them of
these burdens: that as [illegible] with his parli-
ment in preserving the peace of the kingdom,
which, by his absence from them, hath been
much endangered: and which, by binding up
the voluntary adventurers for recovery of Ire-
land, and disabling the subjects to discharge
the great [illegible] upon them is like to make
the war much more heavy to the kingdom.
And for his majesty's wants, the parliament
have been no cause of them: we have not
diminished his just Revenue, but have much
eased his public Charge: and somewhat his
private. And we shall be ready, in a parli-
mentary way, to settle his [illegible] of
him treble proportion, as may [illegible] trade
to both, when he shall put himself into such a
posture of government that is [illegible] may
be secure to enjoy his [illegible] from the
religion, laws, and liberties. We [illegible]
his majesty's grant us of [illegible]
ral Pardon, only we said, 'It could be no se-
curity to our present Fears and Jealousies;'
and we gave a reason for it, 'That the [illegible]
did not arise out of any guilt of our own con-
sciences, but out of the [illegible] temper
of others.' And we leave it to the world to
judge, whether we, herein, have deserved so
heavy a tax and exclamation, 'That it was a
strange world which preferred [illegible] favours

[illegible] counsel reproached [illegible] such are the words
of [illegible]'s Answer. We esteem that
[illegible] as much princely grace and bounty,
which, since this parliament began, we have
humbly desired we might obtain; and do still
hold it our duty and [illegible] our
[illegible] allegiance to the subject, upon whom
[illegible] and subsistence [illegible] next, but we
see, upon every occasion, how unhappy we are
in his majesty's misapprehensions of our words
and actions.—We are fully of the king's mind
as [illegible] declared, 'That he has no interest so
[illegible] of the just rights of his subjects, that he
should at any time stand in need of foreign force to pre-
[illegible] them from oppression,' and are confident,
that in [illegible] we shall not be wanting in [illegible]
[illegible] of his whole
[illegible] of which he shall be pleased to
[illegible] that [illegible] of building
upon that [illegible] foundation, the Law of the
Land: but why his majesty should take it ill, that
we, having received information so deeply con-
cerning the safety of the kingdom, should
think them proper to be considered of, we can-
[illegible] conceive, for although the [illegible] the
[illegible] were not known, yet of the [illegible] was more
substantial to the probability of the report
was known, that is, that he was servant to the
Lord Digby, who [illegible] his present [illegible] Letter
[illegible] the queen, and [illegible] letters to sir L. Dives,
[illegible] intimates that we had [illegible] re-
[illegible] that information but that he should
receive reparation, we hold it [illegible] far from just-
[illegible] from truth, 'That we have mixed
[illegible] with the rumours,' whereby to
[illegible] an [illegible] of the people'—
It is untrue, 'that it was driven' but not
by us yet 'from us.' Pretence hereafter,
[illegible] there be opportunity of [illegible] more credit,
that we will not be wanting what in us lies on
[illegible] to [illegible] that it done by us.' And
it is [illegible] his majesty were [illegible] from us, the [illegible]
it was not by his own [illegible], but by the
fears of the Lord Digby and his retinue of
cavaliers: and the [illegible] fears of any [illegible]
[illegible] by rebellion, but of their just punishment
for their manifold [illegible], and in-
[illegible] of us, against the parliament and
[illegible] is expressly declared by the Lord Digby
himself, when he told those cavaliers, 'That
[illegible] the [illegible] of the [illegible] [illegible] out
[illegible] [illegible] [illegible] [

...majesty's residence near ... as in part of the ... assent of the two ... Charles ... to ... to ... to

…us, while we mark his … it, further, wond… all our proceedings."

…fourth Letter to the Par… …tes at York.] To … set forth in the … were added a rent… …, Letters, Warrant, and … ed out of which had been h… and digested into order by … …ted for that purpose.

…y 23. Another letter from lord Howard, … …, directed to the lord keeper, the [illegible] …, was read to the lords a line …:

My lord: By my last I sent your lordship … of a Warrant, from his majesty to the … nsible, for summoning the regiment, … Rob Strickland's, which being met to… …er, their officers have drawn them hither … this city, and billetted them here; whereby course, divers were called to attend at the court, as a guard to his majesty's person. Yesterday at hear that there is no colonel, lieut. colo… but one capt. Duncomb, who is serjeant-m… …r, and one who was sent for as a delinquent touching the Petition for saving the Magazine, is the acting man who both raised them, and commands in chief. At the first coming to town, we attended his majesty, but we could not prevail for the disbanding of them. We have delivered your Ordinance to the sheriff, and required him to do his duty. His Answer was, He would do it to the utmost of his power; but that these being new without his county, he could not use them, but he would take advice what is fit for him to do. Shortly after he returned to us, and said, the king had sent for him, and required of him that I should send some commands from the parliament, he then shewed him the Ordinance, and, after his majesty had read it, he required him, on his allegiance, not to obey any of those commands, but how the sheriff will demean himself for the future, for the preventing the raising of any more of these Trained Bands, we do not know.—This day the horse were mustered, which were summoned to be here yesterday, and not only those who came on their voluntary offers, but divers appeared upon summons by the printed Paper, the copy of which I sent to my last letter, the whole number, as we are informed, were under 200. His answer is, his majesty will keep about 50 here for his guard, and that the rest should be ready to attend upon summons, but are dismissed for the present. On Friday next the freeholders, copyholders, and all other able farmers, are summoned to be here, but upon what occasion, or what the event will be, we cannot tell. My lord, your lordship's &c. Ed. Howard. York, May 21, 1642." P. S. "The sheriff came to us this day and delivered the annexed Paper, as an Answer to those commands enjoined by the Ordinance."

"Since the receiving of your Order, I cannot find there are any in this county who are assembled together in a posture of war; or that … …, I … … of a fame … subject, … … y my oath and … the … TION."

… thing we find memorable … … an Order of the … … he Guards, which had … … a long time, until they should receive commands; and that the house of … should be acquainted therewith.

The … King … Little in deserts the Parliament and joins to … Ks g.] May 23. p. m. … are informed, That the lord keeper having leave of the house to be a few days absent for his health, was gone to York, and had parted with the Great Seal two days before. Hereupon it was … That the usual manner … sending that … or his deputy, should forthwith take into custody the rt. hon. … lord Littleton, and bring him before the lords in parliament; and therefore, with him, the Great Seal, if he … in his custody. Ordered … That the sheriffs, … yors, constables, and … all be aiding to the … usher … dames.

The King at possession of the GREAT SEAL.] Some further account of this remarkable affair may be here very proper: because the king's getting … … the Great Seal was thought, by all parties, a most … advantage. The lord keeper Littleton, by having declared his opinion in favour of the Ordinance for the Militia; by refusing to deliver up the earls of Essex and Holland the resignation … office of chamberlain of the house … and in the absence of the … , and by complying with the prevailing party in opposition to the king, had highly disgusted his majesty; insomuch that in leaving the parliament he did it … very unexpected. Lord Clarendon has given a very particular narration of the manner by which the affair was conducted, and which … the more to be regarded, because he was very privy … intrusted by the king to bring it about. The whole is too long for our purpose, we shall therefore confine ourselves with some of the most remarkable circumstances, and refer to his lord ship's History for the rest.—"At an interview of the lord keeper and Mr. Hyde, (between whom there had been frequent visits) the latter with great freedom and plainness, told his lord ship, 'How much he had lost the esteem of all good men, and that the king could not but be exceedingly dissatisfied with him,' and discoursed over the matter of his vote upon the Ordinance for the Militia. As soon as Mr. Hyde had entered upon this discourse, which he heard with all attention, they being by themselves in his study at Exeter-House, he rose from his chair and went to the door, and finding some persons in the next room, he had them to withdraw, and, locking both the door of that room and of his study, he sat down himself, and making Mr. Hyde sit down too, he begun … Well giving him unspeakable … for his friend

[illegible] which, he said, he had ever [illegible] could not more manifest [illegible] and him, than by using [illegible] with him which he meant [illegible] united his own condition, [illegible] withheld from the Com- [illegible] keen both the business [illegible] to deal with, to the [illegible] held, which obliged him to [illegible] with another sort of [illegible] to him, and in affairs [illegible] and had not the [illegible] from whom he could [illegible] occurred to him.'—[illegible] upps state [illegible] business, [illegible] intended he had [illegible] persons who [illegible] push [illegible] the [illegible] do the [illegible] that [illegible] the [illegible] last [illegible] war [illegible] and the [illegible] Great [illegible] then [illegible] duty and [illegible] is to his [illegible] man should be [illegible] him, his majesty, [illegible] he had on this occasion [illegible] carry himself towards [illegible] compliance, that he might [illegible] at least that they might [illegible] him, which he knew [illegible] those [illegible] consultation, within [illegible] and it might be sent [illegible] might be taken [illegible] to appoint the [illegible] some such secure place, [illegible] manner of bringing [illegible] should always receive it for the [illegible] his office they having no purpose [illegible] him. And the knowledge he had of this consultation, and fear he had of the execution of it, had been the reason why, in the last debate upon the Militia, he had given his vote in such a manner as he knew would make very ill impressions with the king, and many others who did not know him very well; but that, if he had not in that point submitted to their opinion, the Seal had been taken from him that night, whereas, by his compliance in that vote, which could only prejudice himself, and not the king, he had gotten so much into their confidence, that he should be able to preserve the Seal in his own hands till the king required it, and then he would be as ready to attend his majesty with it.'—Mr Hyde was very well pleased with this discourse, and asked him, 'Whether he would give him leave, when there should be a fit occasion, to assure the king, that he would perform this service when the king should require it?' He desired 'That he would do [illegible] and pass his word for the performance of it, as soon as his majesty pleased,' and so they parted. The king, being informed of what had passed at this interview, was at first very unwilling to rely upon the lord keeper's promises, but being at length satisfied of his good intentions towards him, resolved 'That he would such a day of the week following send for the keeper and the Seal,' and that it should be, as had been advised, upon a Saturday afternoon, as soon as the house of lords should rise, because then no matter could be taken at till Monday. Mr Hyde, who continued to see the keeper frequently, till he was confirmed in his confidence of his [illegible] went now to him, and finding him [illegible] his resolution, and of opinion, in regard to the high proceedings of the houses, that [illegible] not be long deferred, he told him, 'That he might expect a messenger the next week, and that he should once more see him, when he would tell him the day, and that he must then go himself with before him to [illegible]' Accordingly on the Saturday following, [illegible] and 3 of the clock in the afternoon Mr Elliot, a groom of the bedchamber to the prince, came to the keeper, and found him alone in the room where he used to sit and ordered him a letter from the king, in his own hand, which he required him, with many expressions of kindness and esteem, to make haste to him, and if his indisposition (to which he was often troubled with gravel and shortness of urine) 'would not suffer him to make such haste upon the journey as the occasion required, that he should deliver the Seal to the person that gave him the letter, who, being a strong young man, would make such haste as was necessary, and that he might make his own journey by those degrees which his health required.' The keeper was surprized with the messenger, whom he did not like, and more when he found that he knew the contents of the letter, which he hoped would not have been communicated to any man who should be sent. He answered him with much reservation, and when the other, with bluntness, (as he was no polite man) demanded the Seal of him, which he had not thought of putting out of his own hands, he answered him, 'That he would not deliver it into any hands but the king's;' but presently recollecting himself, and looking over his letter again, he quickly considered, that it would be hazardous to carry the Seal himself such a journey; and that if by any pursuit of him, which he could not but suspect, he should be seized upon, the king would be very unhappily disappointed of the Seal, which he had reason so much to depend upon, and that his misfortune would be wholly imputed to his own fault and infidelity; (which, without doubt, he abhorred with his heart) and the only way to prevent that mischief, or to appear innocent under it, was to deliver the Seal to the person trusted by the king himself

to receive it; and so, without telling him any thing of his own purpose, he delivered the Seal into his hands, who forthwith put himself on to horse, and, with wonderful expedition, presented the Great Seal into his majesty's own hands, who was infinitely pleased both with it and the messenger.* The lord keeper, that evening, pretended to be indisposed, and that he would take his rest early; and therefore ordered, that no body should be admitted to speak with him; he then called expert Lee to him, (it was the serjeant that would not put the seal and writ whom he had most confidence in,) and told him freely, 'That he was resolved, the next morning, to go to the king at Hampton-Court, that he knew well the inconveniencies that would accrue to himself and his family thereby, which would not all the world could appease him, and he should leave his wife and children to his care; but that he would not imprint in them the sense of his displeasure.' The house serjeant was very kind to the resolution, and chose fit horses and all things for the journey, and so coming the horses out of town, the keeper put himself into his coach very early the next morning, with one man, they were told he was to ride the circuit, and one groom took their portmantle and made so great journey that day as to bring about the beginning of Trinity Term, before the end of the third day he kissed the king's hand at York. He had purposely procured the house of peers to be adjourned till after term, in the morning for Monday, that it need not be Sunday passed without any man's taking notice of the keeper's being absent, and many, who knew he was not at his house, thought he had been gone to Cranford, to his country house, whither he frequently went on Saturday nights, and was early enough at the parliament on Monday mornings; and so the lords the more willingly consented to the later adjournments for those days."

The Lords appoint a Committee to consider of an Accommodation with the king.] The lord-keeper's unexpected conduct occasioned, as lord Clarendon said, "a great dejection in the house of lords, that, upon the news thereof, the earl of Northumberland, who had been much employed in treaty, and knew how their minds stood affected, desired, how their might be an accommodation between the king and his people for the good, happiness and safety of both king and kingdom." A Committee was appointed accordingly, and, on the 11th of December,

The E. of Bristol's Speech thereon.] The earl of Bristol made a laborious speech. "My lords, I have spoken often upon the subject of Accommodation, with so little acceptance, and with so ill success, that it was time to determine not to have made an attempt in this kind, but my zeal to the peace and happiness of the kingdom, and my apprehensions of the near approach of unspeakable miseries and calamities, suffer me not to be silent in mine own resolution. . . . . The king hath, at all times, had advantage over the other monarchies of Europe, as, of situation, of plenty, of rich common cities, of power both by sea and land; but more particularly at this time, when all the neighbour princes are, by their several interests, so involved in war, and with such equality of power that there is not much likelihood of their mastering one another, nor of having their differences easily compounded; and the navy, which alone being admitted to trade to all places, wealth and plenty, which ever flow where trade flourisheth, are in a manner cast upon us.—I shall not trouble your lordships by putting you in mind of the great and noble unalterable kings of our ancestors, nor shall I pass it over but than the time within mine own remembrance. Queen Elizabeth was a princess disadvantaged by her sex, by her age, and chiefly by her want of issue, yet if we shall consider the great effects wrought upon most of the states of Christendom by this nation, under her prudent government (the growth of the monarchy of Spain chiefly by her supplanted), the United Provinces by her protected; the French in their greatest miseries relieved; most of the princes of Germany kept in high respect and reverence towards her and this kingdom; and the peace and tranquillity wherein this kingdom flourished, and which hath been continued down unto us by the peaceable government of king James, of blessed memory, and of his now majesty, until these late unhappy interruptions) we cannot

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* Mr. Rushworth adds this remarkable circumstance relating to the carrying off the Great Seal: "In Mr. Elliott's passage towards York, the Author of the Collection met him at Witham, a post stage between Grantham and Stamford, who, with a full gallop his horse had hurt his shoulder, and seeing the Author, his old acquaintance, demanded, What News? (thinking he had been sent after him by the parliament to recover the Great Seal.) To which he replied to Mr. Elliott, 'not imagining he had then with him the Great Seal.) 'That he came from York, that the king was well, and that he was going with letters from the committee of parliament at York, to both houses, wherein some Answers from the king were inclosed to the parliament.' To which Mr. Elliot, replied, 'It was fit the author should make haste; and therefore,' said he, 'take my horses which are ready saddled,' fearing lest the Author should raise the country against him, so we parted at that time."

† By the Lords Journals it must have been the 23d of March [illegible]

* From the original edition, printed by I. Smith and Dr. Ooes [illegible]

but judge this nation equally capable, with any other, of honour, happiness, and plenty —Now it, instead of this happy condition, in which we have been, and might be, upon a sober and impartial inquiry we shall find ourselves to have been, for some few years last past, [illegible] and distractions, until at the present to be reduced to the very brink of miseries and calamities, it is high time for us to consider by what means we have been brought into them, and by what means it is most probable we may be brought out of them — This kingdom never enjoyed so universal a peace, neither hath it any visible enemy in the whole world, either infidel or Christian, our enemies are only of our own house, such as our own dissentions, jealousies, and distractions have raised up; and certainly where they are found, especially between a king and his people, no other cause of the unhappiness and misery of a state need to be sought after; for civil discord is a plentiful source, from whence all miseries and mischiefs flow. The scripture tells us of the strength of a little city united, and of the instability of a kingdom divided within itself: so that, upon a prudent enquiry, we may assign our own jealousies and fears to be the chief cause of our past and present troubles, and of our future fears. It must be confessed, that, by the counsel and conduct of evil ministers, the subjects had cause to think their just liberties invaded; and from thence have our former distempers grown: for it is in the body politic of a monarchy, as in the natural body, the health whereof is defined to be, 'Partium corporis æqua temperies,' an equal temper of the parts: so likewise a state is well in health and well disposed, when sovereign power and common right are equally balanced, and kept in even temper, by just and equitable rules —And truly, my lords, by the goodness of his majesty, and by the prudent endeavour of the parliament, this state is almost reduced to that equal and even temper, and our sickness is rather continued out of fancy and conceit (I mean fears and jealousies) than out of any real distempers I well remember, that, before the beginning of this parliament, some noble lords presented a Petition unto the king; and in that petition did set down all or most of the Grievances and distempers of the kingdom which then occurred to them. To these, as I conceive, the parliament have procured, from his majesty, such redresses as are to their good satisfaction. Many other things for the ease, security, and comfort of the subject, have been, by their great industry, found and propounded; and, by his majesty's goodness, condescended unto. And now we are come so near the happiness of being the most free and most settled nation in the Christian world, our dangers and miseries will grow, every day, greater and nearer, if not speedily prevented. The king, on his part, offereth to concur with us in the settling all the liberties and immunities, either for the property of our goods or liberty of our persons, which we have received from our ancestors, or which himself hath granted unto us; and as to what shall yet remain for the good and comfort of his subjects, he is willing to be taken to all our just and reasonable propositions; and for the establishing the true Protestant religion, [illegible] and the wisdom and industry of the parliament hath now put it in a hopeful way. The rule of his government, he professeth, shall be the law of the kingdom, and, for the comforting and securing of us, he offereth a much more large and more general pardon than hath been granted by any of his predecessors. And truly, my lords, this will be very easy to be granted, presumed it is [illegible]. We, on the other side, profess, That we intend to make it our request to his majesty [illegible] to support his throne, and to pay unto him that duty and obedience, which by our allegiance, several oaths, and late Protestations, we owe unto him, and to maintain all his just regalities and prerogatives, which I am sure he [illegible] so much as his majesty will expect from us.—So that, my lords, we being both, thus reciprocally, agreed of that which in either hand in the both king and people hopes, shall be most unfortunate, if we shall not bring our inclinations and endeavours so to [illegible] and settle particulars, as both king and people may know what will give them mutual satisfaction, which certainly must be the first step towards the settling of a right understanding betwixt them. And in this I should not conceive any great difficulty, if it were once put into a way of preparation. But the greatest difficulty may seem to be, How that which may be settled and agreed upon may be secured? This is commonly the last point in treaties betwixt princes, and of the greatest nicenesse; but much more betwixt a king and his subjects, where that confidence and belief which should be betwixt them is once lost: and, to speak clearly, I fear that this may be our case, and herein may consist the chiefest difficulty of accommodation? for it is much easier to compose differences arising from reason, yea, even from wrongs, than it is to set by jealousies, which, arising out of diffidence and distrust, grow and are nursed upon every occasion.—But, my lords, if there be no endeavours to allay and remove them, they will every day increase and gather strength, nay, they are already grown to that height, and the mutual replies to those direct terms of opposition, that if we make not a present stop, it is to be feared it will speedily pass further than verbal contestations. I observe, in some of his majesty's Answers, a Civil War spoken of. I confess it is a word of horror to me, who have been an eye-witness of those inexpressible calamities that, in a short time, the most plentiful and flourishing countries of Europe have been brought into by an intestine war. I further observe, 'That his majesty protesteth against the miseries that may ensue by a war, and that he is clear of them.' It is true that a protestation

dam.'—Certainly, my lo[illegible] is a wise and brotherly [illegible] and I doubt not but we are all desirous to follow it. We must not then still dwell upon generals, for generals produce nothing; but we must [illegible] the business [illegible] a certain way, where particulars may be descended into, and the way that I [illegible] of offer, with all humility, is, [illegible] that we may be a select Committee of three persons of both Houses who may, in the first place, truly state and set down all those differences betwixt the king and the subject, with the most particulars [illegible] them. Secondly, to debate and state the [illegible] with me be expected by each [illegible], either in point of our supplies of him or his witnesses, if [illegible] all these considered, being agreed upon, may be carried [illegible] with the [illegible] his majesty and the subjects [illegible]. When [illegible] matters shall be drawn up [illegible] the heads of the Propositions, and the ways of securing them, they may be presented unto the Houses, and so [illegible] such ways as the parliament in their most prudent wisdom shall [illegible]. My lords, what I have to say [illegible] you hath been chiefly grounded upon the [illegible] and hopes [illegible] that [illegible] to [illegible] [illegible] [illegible]

it to be contrary to the fundamental laws, against the liberty of the subject and rights of parliament, and commandeth all his subjects, of what degree soever, upon their allegiance, not to obey the said Ordinance, as they will answer the contrary at their perils.—So likewise, in point of the King's commanding the attendance of divers of us upon his person, whereunto we are obliged by several relations of our services and oaths: in case we comply not with his commands, we are liable to his displeasure, and the loss of those places of honour and trust which we hold under him: if we obey his commands without the leave of the parliament, which hath not been always granted, we are liable to the censure of parliament, and of both these we want not fresh examples; so that, certainly, this cannot but be acknowledged to be an unhappy and uncomfortable condition.—I am sure I bring with me a ready and obedient heart, to pay unto the king all those duties of loyalty, allegiance, and obedience which I owe unto him; and I shall never be wanting towards the parliament, to pay unto it all those due rights and that obedience which we all owe unto it; but, in contrary commands, a conformity of obedience to both is hardly to be lighted on. The reconciliation must be in the commanders and the commands, and not in the obedience or the person that is to obey, and therefore, until it shall please God to bless us with a right understanding betwixt the King and parliament, and a conformity in their commands, neither the Kingdom in public, nor particular men in private, can be reduced to a safe or comfortable condition.—I have said thus much to give occasion to others to offer likewise their opinions; for if we shall sit still, and nothing tending to the stay of the unhappy misunderstanding betwixt the King and his people, be propounded, it is to be feared that our miseries will hasten so fast upon us, that the season and opportunity of applying remedies may be past. I have herein discharged my conscience suitable to that duty which I owe to the king my sovereign and master, and suitable to that zeal and affection which I shall ever pay to the happiness and prosperity of the kingdom; towards which I shall ever faithfully contribute my humble prayers and honest endeavours; and I shall no way doubt, whatsoever success this my proposition may have, it will be accompanied with the good wishes of your lordships, and of all peaceable and well-minded men."

But we find no report entered in the Lords' Journals from the before-mentioned committee, notwithstanding this speech for an Accommodation.

Order of both Houses for superseding Malignant &c.] May 24. The commons sent up an Ordinance, to which they desired the lords concurrence, for giving power to their committee at York to command the lord mayor and sheriffs of that city, and all sorts of head constables and petty constables under them, to take all Orders, Votes and Declarations of the two houses of parliament, and the committee of both houses at York, and to cause them effectually to be executed, and the like power to the committee, and the like command upon the like penalty, in the several shires, cities, &c. where they shall reside. That the said lord mayor, &c. should make no return of any writ, &c. but by the said committee. That the said lord mayor, &c. should not admit any malignant, or any other person whatsoever, to be enrolled, or to be of the Trained Bands, or to bear any office, civil or military, in the city, but by the approbation of the said committee, or any two of them. That the said lord mayor, &c. should make no return of any writ, &c. but by the said committee, or any two of them

and at still till it shall please God so to enlighten the affections and understandings of our good subjects on our behalf, (which we doubt not but that, in his good time he will do) that they may see our sufferings are their sufferings; but since (instead of applying themselves to the method proposed by us, 'of making such solid particular Propositions as might establish a good understanding betwen us, or of following the advice of our council of Scotland, (with whom they communicate their affairs) in forbearing all means that may make the breach wider and wound deeper') they have chosen to pursue us with new reproaches, or rather to continue and improve the old: by adding and varying little circumstances and language, in matters formerly urged by them, and fully answered by us, we prevailed with ourself, upon very mature and particular consideration of it, to answer the late Printed Book intitled, 'A Declaration, or Remonstrance, of the Lords and Commons,' which was ordered, the 19th of this instant May, to be printed and published, hoping then that they would not put us to any more of this trouble, but that this would have been the last of such a nature, they would have communicated to our people; and that they would not, as they have done since, thought fit to assault us with a newer Declaration,[a] indeed of a very new nature and learning, which must have another Answer. And we doubt not but that our good subjects, in a short time, will be so well instructed in the differences and mistakings between us, that they will plainly discern, without resigning their reason and understanding to our prerogative, or the infallibility of a new major part of both houses of parliament infected by a few malignant spirits, where the fault is.—Though we shall, with humility and alacrity, be always forward to acknowledge the infinite mercy and providence of Almighty God vouchsafed so many several ways to ourself and this nation; yet since God himself doth not allow that we should fancy and create dangers to ourself, that we might manifest and publish his mercy in our deliverance, we must protess we do not know those Deliverances, mentioned in the beginning of that Declaration, 'from so many wicked plots and designs, since the beginning of this parliament, which if they had taken effect, would have brought ruin and destruction upon this kingdom.' We well know the great labour and skill that hath been used, to amaze and affright our good subjects with fears and apprehensions of plots and conspiracies; the several pamphlets published, and letters scattered up and down, full of such ridiculous contemptible animadversions to that purpose; as though they found, for what end God knows, very unusual countenance, as sober man would be moved with them: but we must confess, we have never been able to inform ourself of any such 'Pernicious formed design against the peace of this kingdom, since the beginning of this parliament,' as is mentioned in that Declaration, or that might be any warrant to those great fears both our houses of parliament seemed to be transported with, but we have great cause to believe more mischief and danger hath been raised and begotten to the disturbance of this kingdom, than cured or prevented by those fears and jealousies: and therefore, however the rumour and discourse of plots and conspiracies may have been necessary to the designs of particular men, they shall do well not to pay any false devotions to Almighty God, who discerns whether our dangers are real or pretended.—For the 'bringing up the Army to London,' as we have heretofore, by no other direction than the testimony of a good conscience, called God to witness, 'We never had, or knew of any such purpose,' so, upon the view of the Depositions now published with that Declaration, it is not evident to us there was ever such a design, unless every loose discourse or argument be instance enough of such a design; and it is apparent, that what was said of it, was near three months before the discovery to both houses of parliament; so that if there were any danger threatened that way, it vanished, without any resistance or prevention by the wisdom, power, or authority of them.—It seems the intention of that Declaration, whatsoever other end it hath, is to 'answer a Declaration they received from us, in Answer to that which was presented to us at Newmarket the 9th of March last, and likewise to our answer to the Petition of both houses, presented to us at York the 26th of March last. But before that Declaration falls upon any particulars of our said Declaration or Answer, it complains, 'That the heads of the Malignant Party have, with much art and industry, scattered many false and divers unjust scandals and imputations upon the parliament, to be published in our name, whereby they might make it odious to the people, and, by their help, destroy it:' but it instancing in any one scandal or imputation so published by us, we are still to seek for the heads of that Malignant Party. But our good subjects will easily understand, that if we were guilty of that aspersion, we must not only be active in raising the scandal, but passive in the mischief begotten by that scandal, the Long an essential part of the parliament: and we hope the just defence of ourself and our authority, and the necessary vindication of our innocence and justice, from the imputation laid on us by a major part, then present of either, or both houses, shall no more be called a 'Scandal upon the parliament,' than the opinion of such a part be reputed 'an act of parliament.' And we hope our good subjects will not be long misled by that common expression in all the Declarations, wherein they usurp the word 'Parliament,' and apply it to countenance any Resolution or Vote which some few have a

[a] The Parliament's Declaration of the 26th of May was printed and published before the King's Answer came out to that of the 19th.

mand to make, by calling it, 'The Resolution of Parliament,' which can never be without our consent neither can the Vote of either, or both houses, make a greater alteration in the laws of this kingdom, so solemnly made by the advice of their predecessors with the concurrence of us and our ancestors, either by commanding or inhibiting any thing, besides the known rule of the law, than our single direction or mandate can do, to which we do not ascribe such authority.—But that Declaration informs our people, 'That the Malignant Party hath drawn us into the Northern parts far from our parliament.' It might more truly and properly have said, That it hath driven, than drawn, us hither. For we confess our journey hither, (for which we have no other reason to be sorry, than with reference to the cause of it) was only forced upon us by the true Malignant Party, which contrived and countenanced those barbarous tumults and other seditious circumstances, of which we have so often complained, and hereafter shall say more; and which indeed threatens so much danger to our person, and laid so much scandal upon the whole Privilege and Dignity of Parliament, that we wonder it can be mentioned without blushes or indignation: but of that anon. But why the Malignant Party should be charged with causing a Press to be transported to York, we cannot imagine; neither have any papers or writings issued from thence, to our knowledge, but what have been extorted from us by such provocations, as have not been before offered to a king. And no doubt it will appear a most trivial and fond exception, when all presses are open to vent whatsoever they think fit to say to the people, (a thing unwarranted by former custom) that we should not make use of all lawful means to publish our just and necessary Answers thereunto. As for the authority of the Great Seal, though we do not know that it hath been necessary to things of this nature, the same shall be more frequently used hereafter, as occasion shall require; to which we make no doubt the greater and better part of our privy council will concur, and whose advice we are resolved to follow, as far as shall be agreeable to the good and welfare of the kingdom.—Before that Declaration vouchsafes to insist on any particulars, it is pleased to censure both our Declaration and Answer, to be 'filled with harsh censures, and causeless charges upon the parliament,' (still misapplying the word 'parliament' to the Vote of both houses) concerning which they resolve to give satisfaction to the kingdom, since they find it very difficult to satisfy us.' If, as in the usage of the word parliament, they have left us out of their thoughts; so, by the word 'kingdom,' they intend to exclude all our people who are out of their walls, (for that's grown another phrase of the times, the Vote of the major part of both houses, and sometimes of one, as now called, 'The Resolution of the whole kingdom') we believe it may not be hard to give satisfaction to themselves, otherwise we are confident (and our confidence proceeds from the uprightness of our own conscience) they will never be able so to sever the affections of us and our kingdom, that what cannot be satisfaction to the one, shall be to the other. Neither will the style of 'Humble and Faithful,' and telling us, 'That they will make us a great and glorious king,' in their Petitions and Remonstrances, so deceive our good subjects, that they will pass over the reproaches, threats, and menaces they are stuffed with; which sure could not be more greatly reprehended by us, than by saying, 'These expressions were different from the usual language to princes,' which that Declaration tells you, 'we had no occasion to use.' But we believe, whosoever looks over that Declaration presented to us at Newmarket, to which ours was an Answer, will find the language throughout it to be so unusual, that, before this parliament, it could never be paralleled; while, under pretence of justifying their fears, they give so much countenance to the discourse of the rebels of Ireland, as if they had a mind our good subjects should give credit to it otherwise, being warranted by the same evidence, which they have more published, they would have as well declared, 'That those rebels publickly threaten the rooting out the name of the English, and that they will have a king of their own, and no longer be governed by us;' as that they say, 'That they do nothing but by our authority, and that they call themselves, The Queen's Army.' And therefore we have great reason to complain of the absence of justice and integrity in that Declaration, besides the unfitness of other expressions.—Neither did we mistake the substance or logic of the Message to us at Theobalds, concerning the Militia, which was no other, and is stated to be no other (even by that Declaration which reproves us) than a plain threat, 'That if we refused to join with them, they would make a law without us: nor hath the practice since that time been other, which will never be justified to the most ordinary (if not partial) understandings, by the men averring it to be 'according to the fundamental laws of this kingdom,' without giving any direction, that the most cunning and learned men in the laws may be able to find those foundations. And we must appeal to all the world, whether they might not, with as much justice, and by as much law, have served upon the estate of every member of both house, who dissented from that pretended Ordinance, (which much the major part of the house appears did two or three several times) as they have invaded that power of ours over the Militia, because we (upon reasons they have out so much as pretended to answer) refused to consent to that Proposition.—And if no better effects than 'loss of time and hinderance of public affairs have been found by our Answers and Replies,' let all good men judge, by whose default, and whose want of duty, such effects have been. For as our end (indeed

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only end) in those Answers and Replies, both been the settlement and composure of public affairs, so we are resolved, and most men do believe, That if that due regard and reverence had been given to our words, and that consent and obedience to our counsels, which we did expect, there had been, before this time, a cheerful calm upon the face of the whole kingdom; every man enjoying his own, with all possible peace and security that can be imagined; which surely those men do not desire, who (after all those acts of justice and favour passed by us this parliament, all those mirours and sufferings endured and undergone by us) think it still a reproach us with Ship-Money, Coat and Conduct-money, and other things so abundantly declared (as that Declaration itself confesses) in the General Remonstrance of the State of the Kingdom, passed in November last;* which we wonder to find now avowed to be the Remonstrance of both houses; and which we assure was presented to us by the house of commons only, and did never pass, and we are confident at that time could never have passed, the house of peers, the concurrence and authority of which was not then thought necessary. Shall we believe those reproaches to be the voice of the kingdom of England? That all our loving subjects, eased, refreshed, strengthened, and abundantly satiated with our acts of grace and favour towards them, are willing to be involved in these unthankful expressions? We must appeal to the Thanks and Acknowledgements published in the Petitions of most of the counties of England; to the testimony and thanks we have received from both houses of parliament, how seasonable, how agreeable, this usage of us is to our intent or their former expressions.—We have not at all swerved or departed from our resolution, or words, in the beginning of this parliament. We said, 'We were resolved to put ourself freely and clearly, upon the love and affection of our English subjects:' and we say so still, as far as concerns England. And we call Almighty God to witness, that all our complaints and jealousies, which have never been causeless, were not against our houses of parliament, but some few schismatical, factious, and ambitious spirits; and upon grounds, as shall appear time, we fear, will justify to the world. Our Demand of the Militia, and our Absenting ourself from London, have been the effects of an upright and faithful affection in our English subjects, that we may be able (through all the inconveniences we are compelled to wrestle with) at last to preserve and restore their religion, laws and liberties unto them.—Since the proceedings against the lord Kimbolton and the 5 Members is still looked upon, and so often pressed, as so great an advantage against us, that no Retraction made by us, nor no actions since that time committed against us and the law of the land, under pretence of vindication of Privilege, can satisfy the contrivers of that Declaration; but that they would have our good subjects believe, the accusation of those six Members must be a plot for the breaking the neck of the parliament; (a strange arrogance, if any of those members had the penning of that Declaration) and that it is so often urged against us, as if, by this single casual instance of ours, in Term only, we had forfeited all duty, credit, and allegiance from our people; we must without endeavouring to excuse that, (which in truth was an error, our going to the house of commons) give our people a clear and full Narration of the matter of fact, assuring ourself that our good subjects will not and our carriage in that business such as hath been reported.—When we resolved, upon such grounds, as, when they shall be published, will satisfy the world, That it was fit for our own safety and honour, and the peace of the kingdom, to proceed against those persons, though we well know there was no degree of privilege in that case; yet, to shew our desire of correspondence with the two houses of parliament, we chose, rather than to apprehend their persons by the ordinary ministers of justice, (which, according to the opinion and practice of former times, we might have done) to command our Attorney General to acquaint our house of peers with our intention, and the general matter of our charge, (which was yet more particularly [illegible] more accusation) and to proceed [illegible] duly; and, at the same time, sent a sworn servant, a serjeant at arms, to our house of commons, to demand those [illegible]. That we did [illegible], and intended to prosecute, the 5 Members of that house, for high treason, and did require that their persons might be secured in custody. That we did not only to shew that we intended not to violate or invade their privileges, but to use more ceremony towards them, than we then conceived, in justice, might be required of us, and expected at least such an Answer as might inform us, if we were out of the way; but we received none at all; only, in the instant, with our offering any thing of their privileges to our consideration, an Order was made, and the same night published in print, 'That if any person whatsoever should offer to arrest the person of any member of that house, without first acquainting that house therewith, and receiving further order from that house, that it should be lawful for such members, or any person, to resist them, and to stand upon his or their guard of defence, and to make resistance, according to the Protestation taken to defend the privileges of parliament:' and this was the first time that we heard the Protestation might be wrested to such a sense; or that, in any case, though of the most undoubted and unquestionable privilege, it might be lawful for any person to resist and use violence against a public minister of justice, armed with lawful authority; though we well knew, that even such a minister might be punished for executing such authority. Upon viewing this

* This Remonstrance, with the Debate thereon, will be found at p. 987.

Order, we must confess we were somewhat amazed, having never seen or heard of the like, though we had known members of either house committed, without so much formality as we had used, and upon crimes of a far inferior nature to those we had suggested; and having no course proposed to us for our proceeding, we were upon the matter only told, 'That against those persons we were not to proceed at all; that they were above our reach, or the reach of the law;' it was not then easy for us to resolve what to do: It we employed our ministers of justice in the usual way for their apprehension, (who, without doubt, would not have refused to execute our lawful commands) we saw what resistance and opposition was like to be made, which, very probably, might have cost some blood; if we sat still and desisted upon this terror, we should, at the best have confessed our own want of power, and the weakness of the law: In this strait we put on a sudden resolution, to try whether our own presence, and a clear discovery of our intentions (which haply might not have been so well understood) could remove those doubts, and prevent those inconveniences which seemed to have been threatened; and, thereupon, we resolved to go in our own person to our house of commons, which we discovered not till the very minute of our going, when we sent our orders, That our servants, and such gentlemen as were then in our court, should attend us to Westminster; but giving them express command (as we have asserted in our Answer to the Ordinance) That no accidents or provocation should draw them to any such action as might imply a purpose of force in us; and ourself (requiring those at our train not to come within the door) went into the house of commons, the bare doing of which, we did not then conceive would have been thought more a breach of privilege, than if we had gone to the house of peers, and sent for them to come to us, which is the usual custom. We used the best expressions we could to assure them how far we were from any intention of violating their privileges; that we intended to proceed legally and specially against the persons we had accused; and desired, therefore, if they were in the house, that they might be delivered to us, or, it absent, that such course might be taken for their forthcoming as might satisfy our just demands; and so we departed, having no other purpose of force, if they had been in the house, than we have before protested before God, in our Answer to the Ordinance. You have an account of our part of this story fully, let our people judge freely of it. What followed on their part, (though this Declaration tells you, 'It could not withdraw any part of their reverence and obedience from us,' it may be any part of them it did not) we shall have too much cause hereafter to inform the world.—There will be no end of the discourse of upbraiding us with evil Counsellors, if, upon our constant denial of knowing any, they will not vouchsafe to inform us of them; and after 8 months among the kingdom with the expectation of a discovery of a Malignant Party, and of evil Counsellors, they will not at last name any, nor describe them: let the nature and lives of men be examined, what have contrived, counselled, actually consented to grieve and burden our people; and if such be about us, or any against whom any notorious malicious crime can be proved, if we shelter and protect any such, let our injustice be published to the world; but till that be done, particularly and manifestly, (for we shall never conclude any man, upon a bare general Vote of the major part, of either, or both houses, till it be evident that major part be without passion or affection) we must look upon the charge this Declaration puts on us, 'of cherishing and countenancing a discontented party of the kingdom against them,' as a heavier and unjuster tax upon our justice and honour, than any we have or can lay upon the framers of that Declaration.—And now, to countenance those unhandsome expressions, whereby usually they have implied our connivance at, or want of zeal against the Rebellion of Ireland, so odious to all good men, they have found a new way of exprobration; 'That the Proclamation against those bloody traitors came not out till the beginning of January, though that Rebellion broke out in October; and then, by special command from us, but 40 copies were appointed to be printed.' It is well known where we were at that time, when that Rebellion broke forth, in Scotland: that we immediately from thence, recommended the care of that business to both houses of parliament here, after we had provided for all fitting supplies from our kingdom of Scotland: that after our return hither we observed all those forms fit that service, which we were advised to by our council of Ireland, or both houses of parliament here: and if no Proclamation issued out sooner, (of which for the present we are not certain;) but think that others before that time were issued by our directions) it was, because the lords justices of the kingdom desired them not sooner; and when they did, the number they desired was but 20, which they ordered might be signed by us; which we, for expedition of the service, commanded to be printed, a circumstance not required by them; thereupon we signed more of them than our justices desired: all which was very well known to some members of one or both houses of parliament, who have the more to answer for, if they forbore to express it at the passing of this Declaration; and if they did express it, we have the greater reason to complain that so envious an aspersion should be cast on us to our people, when they knew well how to answer their own objection.—What that 'Complaint is against the parliament, put forth in our name, which is such an evidence and countenance to the rebels, and speaks the same language of the parliament, which the rebels do,' we cannot understand. All our Answers and Declarations

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have been published under our own hand to it, and neither had been published in our name, and without our authority, it would be easy for both houses of parliament to discover and apprehend the authors; and we wish, that whosoever was trusted with the drawing and penning of that Declaration had not [illegible] by any or cunning (compose upon, or deceive), a major part of those protests by which it passed, that any man hath to prevail with us to publish, in our name, any thing but the sense and resolution of our own heart; or that the contriver of that Declaration could, with as good a conscience, call God to witness, That all his counsels and endeavours have been free from all private aims; personal respects, or passions whatsoever, as we have done, and do, That we never had, or knew of, any Resolution of bringing up the army to London. And since this new device is found out, instead of answering our Reasons, or satisfying our just demands, we blast our Declarations and Answers, and they were not our own, a bold senseless imputation; we are sure that every Answer and Declaration published by us, is much more our own, than any one of those bold, threatening and reproachful Petitions and Remonstrances are the acts of either or both houses. And if the penner of that Declaration had been careful at the trust reposed in him, he would never have denied, (and therefore could find fault with our just indignation) in the text or in the margin, 'That we had never been charged with the intention of any force, and that in them which Declaration there is no word tending to such a reproach;' the contrary whereof is so evident, that we are, in express terms, charged in that Declaration, 'That we sent them gracious Messages, when, with our privity, the bringing up the army was in agitation.' And even in the Declaration they seek to make our people believe some such thing as be proved in the Depositions now published; wherein, we doubt not, they will as much fail, as they do in their censure of that Petition shewed formerly to us by captain Legge, and subscribed by us with C. R. which, notwithstanding our full and particular Narration of the substance of that Petition, the circumstances of our seeing and approving it, this Declaration is pleased to say, 'Was full of scandal to the parliament, and might have proved dangerous to the whole kingdom.' If they have this dangerous Petition in their hands, we have no reason to believe any tendernes to us-ward hath kept them from communicating it; if they have it not, we ought to have been believed. But that all good people may compass their other pretended dangers by their clear understanding of this, (the cause whereof hath not been inserted to any of the rest) we have recovered a true copy of the very Petition [illegible] with C. R. which shall, or for time, be published; and which, we hope, will open the eyes of our good people.—Concerning our Warrant for Mr. Jermin's passage, our Answer was true and full; but for his black serge suit, and white boots, we can give no account.—We complained in our Declaration, and as often as we have occasion to mention our Return and Residence near London, we shall complain, of the barbarous and seditious tumults at Westminster [illegible] scandal to our government, and danger to our person; that we should never think of our return thither, till we have justice for what is past, and security for the time to come. And if there were so great a necessity, or desire of our return as is pretended, we all this time, upon our so often pressing desires, and upon causes so notorious, we should, at least, have procured some order for the future. But that Declaration tells us, 'We are upon the matter mistaken; the resort of the citizens to Westminster was as lawful, as the resort of great numbers, every day in the term, to the ordinary courts of justice.' They knew no Tumults! Strange! Was the disorderly appearance of so many thousand people, with staves and swords, crying through the streets, Westminster-Hall, and the passage between both houses, so as much as the members could hardly pass to and fro, 'No Bishops' 'Down with the Bishops,' no Tumults? What mereher is there of either house that saw not those numbers, and heard not those cries? and yet lawful assemblies? Were not several members of either houses assaulted, threatened, and ill treated? And yet no Tumults! Why made the house of Peers a Declaration, and sent it down to the House of commons, for suppressing of Tumults, if there were no Tumults? And, if there were any, why not was such a Declaration consented to and published? When the attempts were so visible, and the threats so loud to pull down the Abbey at Westminster, had not we just cause to apprehend that such people might continue their work to Whitehall? Let no Tumults! What a strange time are we in; that a few impudent, malicious (to give them no worse term) men should cast such a strange mist of error before the eyes of both houses of parliament as that they either cannot, or will not, see how manifestly they injure themselves, by maintaining these visible untruths? We say no more By the help of God and the law, we will have justice for those Tumults.—From excepting, (how weighty let every man judge) to what we have said, that Declaration proceeds to censure us for what we have not said, for the 'prudent Omissions' in our Answer. We forbore to say any thing of the 'Words spoken at Kensington, or the Articles against our dearest consort, and of the accusation of the six Members.' Of the last we had spoken often; and we thought enough of the other two, having never accused any, though, God knows, what truth there might be in either, we had no reason to give any particular Answer.—We do not reckon ourself bereaved of any part of our prerogative, which we are pleased freely, for a time, to part with by Bill; yet we must say,

we expressed a great trust in our two houses of parliament, when we divested ourself of the power of dissolving this parliament; which was a just, necessary, and proper prerogative: but we are glad to hear their Resolution, 'That it shall not encourage them to do any thing which, otherwise, had not been fit to have been done.' If it do, it will be such a breach of trust, as God will require an account for at their hands.—For the Militia; we have said so much of it heretofore, and the point is so well understood by all men, that we will waste no more time in that dispute. We never said, 'There was no such thing as an Ordinance;' (though we know that they have been long disused) 'but that there was never any Ordinance, or can be, without the King's consent; and that is true: and the unnecessary precedent cited in the Declaration, doth not offer to prove the contrary. But enough of that. God and the law must determine that business.—Neither hath this Declaration given us any satisfaction concerning the votes of the 15th and 16th of March last; which we must declare and appeal to all the world, in this point, to be the greatest violation of our privilege, the law of the land, the liberty of the subject, and the right of the parliament, that can be imagined. One of those Votes is, (and there needs no other to destroy the king and people) 'That when the lords and commons' (it is well the commons are admitted to their part in judicature) 'shall declare what the law of the land is, the same must be assented to, and obeyed;' that is the sense in few words. Where is every man's property, every man's liberty? If a major part of both houses declare that the law is, That the younger brother shall inherit, what is become of all the families and estates in the kingdom? If they declare, That by the fundamental law of the land, such a rash action, such an unadvised word, ought to be punished by perpetual imprisonment, is not the liberty of the subject, durante bene placito, remediless; That Declaration confuseth, 'They pretend not to a power of making new laws; that, without us, they cannot do that.' They need no such power, if their Declaration can suspend this Statute from being obeyed or executed, and make this Order, which is no Statute, to be obeyed and executed: If they have power to declare the lord Digby's waiting on us at Hampton-Court, and thence visiting some officers at Kingston, with a couch and six horses, to be levying of war, and high treason; and mr John Hotham's defying us to our face, keeping our town, fort, and goods against us by force of arms, to be an act of affection and loyalty; what needs a power of making new laws? Or is there such a thing as law left? We desire our good subjects to mark the reason and consequence of those Votes; the progress they have already made; and how infinite that progress may be. First, they vote the 'kingdom is in imminent danger' (it is above three months since they discovered it) 'from enemies abroad, and a Popish and discontented party at home:' That is matter of fact. The law follows: The Vote hath given them 'authority by law (the fundamental laws of the kingdom) to order and dispose of the Militia of the kingdom, and, with this power, and to prevent that danger, to enter into our towns, seize upon our Magazine, and by force, keep both from us:' Is not this our case? For they vote, 'We have an intention to levy war against our parliament;' That is matter of fact: Than they declare such as shall assist us to be guilty of High Treason; that is the law, and proved by two statutes, themselves know to be repealed: Na matter for that, they 'declare' it. Upon this ground they exercise the Militia, and so actually do that upon us, which they have 'voted' we intend to do upon them. Who doth not see the confusion that must follow upon such a power of 'declaring?' If they should now 'vote,' That we did not write this Declaration, but that such an one did it; which is still matter of fact; and then 'declare' That, for so doing, he is an enemy to the common-wealth; what is become of the law that man was born to? And if all their zeal for the defence of the law, be but to defend that which they 'declare' to be law, their own Votes, it will not be an their power to satisfy any man of their good intentions to the public peace, but such who is willing to relinquish his title to Magna Charta, and hold his life and fortune by a Vote of a major part of both houses. In a word; we deny not but they may have power to 'declare' in a particular doubtful case; regularly brought before them, what law is; but to make a general Declaration, whereby the known rule of the law may be crossed or altered, they have no power, nor can exercise any; without bringing the life and liberty of the subject, to a lawless and arbitrary subjection.—We complained (and let the world judge the justice and necessity of that Complaint) of the multitude of seditious Pamphlets and sermons; and that Declaration tells us, 'They know we have ways enough in our ordinary courts of justice to punish those:' So we have to punish Tumults and Riots; and yet they will not serve our turn to keep our towns, our forests, and parks, from violence. And it may be, though those courts have still the power to punish, they may have lost the skill to define what Riots and Tumults are; otherwise a jury in Southwark, legally impanelled to examine a riot there, would not have been superceded, and the sheriff enjoined not to proceed, by virtue of an Order of the house of commons; which it seems, at that time, had the sole power of 'declaring' But it is no wonder that they, who could not see the Tumults, do not consider the Pamphlets and Sermons; though the author of the 'Protestation protested' be well known to be Burton, that infamous disturber of the peace of this church and state; and that he preached it at Westminster, in the hearing of divers members of the house of commons: Out of such Pamphlets and seditious Preachers (divers whereof have been recommended, if not imposed upon new-

Printed and published by H. H. Vreeswijk, Utrecht, 2008. Digitized by Google

ed punishes by some members of both houses, (by what authority we know not) we shall hereafter take a further account.—We confess we have little skill in the laws, and those that have had most we now find are much to seek; yet we cannot understand or believe, 'That every ordinary court, or any court, hath power to raise what Guard they please, and under what command they please; neither can we imagine what dangerous effects they found by the guard we appointed them; or, indeed, any the least occasion why they needed a guard at all. —But of all the imputations so causelessly and unjustly laid upon us by that Declaration, we must wonder at that charge, so apparently and evidently untrue, 'That such are continually preferred and countenanced by us, who are friends or favourers of, or related unto, the chief authors or actors of that arbitrary power heretofore practised and complained of: and, on the other side, That such as did appear against it, are daily discountenanced and disgraced.' We would know one person that is attributed to the ills of those times, or had dependance upon those that did, whom we do, or lately have countenanced or preferred. Nay, we are confident, (and we look for no other at their hands) as they have been always most eminent assertors of the public liberties, so, if they found us inclined to any thing not agreeable to honour and justice, they would leave us to-morrow: Whether different persons have not and do not receive countenance elsewhere, and upon what grounds, let all men judge; and whether we have not been forward enough to honour and prefer those of the most contrary opinion, how little comfort soever we have had of these preferments; in bestowing of which, hereafter, we shall be more guided by men's actions than opinions; and therefore we had good cause to bestow that Admonition (for we assure you it was an Admonition of our own) upon both our houses of parliament, 'To take heed of inclining, under the specious shews of necessity and danger, to the exercise of such an arbitrary power they before complained of.' The advice will do no harm; and we shall be glad to see it followed.—And are all the specious promises, and loud professions, 'Of making us a great and glorious king; of settling a greater Revenue upon us than any of our ancestors have enjoyed; of making us to be honoured at home, and feared abroad,' resolved into this, 'That they will be ready to settle our Revenue in an honourable proportion, when we shall put ourself to such a posture of government, that our subjects may be secure to enjoy our just protection for their Religion, Laws, and Liberties? What posture of government they intend we know not; nor can we imagine what security our good subjects can desire for their Religion, Laws, and Liberties, which we have not offered, or fully given. And is it suitable to the duty and dignity of both houses of parliament, to answer our particular weighty supplications of the causes of our remove from London (so generally known to the kingdom) with a scoff, 'That they hope we were driven from thence, not by our own fears, but by the tears of the lord Digby and his retinue of cavaliers?' Sure the penner of that Declaration inserted that ungrave and insolent expression (as he hath done divers others) without the consent or examination of both houses, who would not so lightly have departed from their former professions of duty to us.—Whether the Way to a good Understanding between us and our people hath been as zealously pressed by them, as it hath been professed and desired by us, it will be easily discerned by those who observe, that we have left no public act undone on our part, which, to the least degree, might be necessary to the peace, plenty, and security of our subjects; and that they have not dispatched one act which hath given the least evidence of their particular affection and kindness to us, but, on the contrary, have discountenanced and hindered the testimony other men would have given us of their affections: witness the stopping and keeping back the bill of Sub-sidies, granted by the clergy, almost a year since, which, though our personal wants are so notoriously known, they will not, to this time, pass: so that while forbearing to supply us themselves, but keeping the love and bounty of other men from us, they afford no other Answers to all our desires, all our Treasons, (indeed not to be answered than, 'That we must not make our understanding or reason the rule of our government; but suffer ourself to be assisted' (which we never denied by our Great Council. 'We require no other) but to our will, than the meanest of them do, (we wish they would always use that liberty) not to consent to any thing evidently contrary to our conscience and understanding; and we have, and shall always give, as much estimation and regard to the advice and counsel of both our houses of parliament, as ever prince hath done: but we shall never (and we hope our people will never) account the contrariance of a few factious seditious persons, (a Malignant Party, who would sacrifice the common wealth to their own fury and ambition) the wisdom of parliament, and that the justifying and defending such persons (of whom, and of their particular sinister ways to compass their own bad ends, we shall shortly inform the world) is not the way to preserve parliaments; but is the opposing and preferring the consideration of a few unworthy persons, before their duty to their king, or their care of the kingdom.' They would have us remember, 'That our Resolutions do concern kingdoms; and therefore not to be moulded by our own understandings.' We well remember it, but we would have them remember, That when their consultations endeavour to lessen the office and dignity of a king, they meddle with that which is not within their determination; and of which we must give an account to God and our other kingdoms, and must maintain with the sacrifice of our life.—Lastly, That Declaration tells you of a 'present desperate and malicious Plot the

Malignant Party is now acting, under the plausible notions of stirring men up to a care of preserving the king's prerogative; maintaining the discipline of the church; upholding and continuing the reverence and solemnity of God's service; and encouraging learning;' (indeed plausible and honourable notions to act any thing upon;) 'and that upon these grounds divers mutinous Petitions have been framed to London, Kent, and other places.' Upon what Grounds would these men have Petitions framed? Have so many Petitions (even against the form and constitution of the kingdom, and the laws established) been joyfully received and accepted? And shall Petitions framed upon these Grounds be called 'Mutinous?' Hath a multitude of mean, unknown, inconsiderable, contemptible persons about the city and suburbs of London, had liberty to petition against the government of the church; against the Book of Common Prayer; against the Freedom and Privilege of Parliament; and been thanked for it: and shall it be called Mutiny in the gravest and best citizens of London, or in the gentry and commonalty of Kent, to frame Petitions upon these Grounds; and to desire to be governed by the known laws of the land, not by Orders and Votes of either, or both houses? Can this be thought the wisdom and justice of both houses of parliament? Is it not evidently the work of a faction within, or without, both houses, who deceive the trust reposed in them; and have now told us what Mutiny is, That to stir men up to a care of preserving our prerogative; maintaining the discipline of the church; upholding and continuing the reverence and solemnity of God's service; and encouraging of learning, is 'Mutiny!' Let Heaven and earth, God and man, judge between us and these men. And however such Petitions are there called 'mutinous,' and the Petitioners threatened, discountenanced, censured, and imprisoned; if they bring such lawful Petitions to us, we will graciously receive them; and defend them and their rights against what power soever, with the uttermost hazard of our being.—We have been the longer (to our very great pain) in this Answer, that we might give the world satisfaction, even in the most trivial particulars which have been objected against us; and that we may not be again reproached with any more 'prudent Omissions.' If we have been compelled to sharper language than we affect, let it be considered, how vile, how insufferable our provocations have been; and except to repel force be to assault, and to give punctual and necessary Answers to rough and insolent demands be to make invectives, we are confident the world will accuse us of too much mildness; and all our good subjects will think, we are not well dealt with; and will judge of us, and of their own happiness and security in us, by our actions; which we desire may no longer prosper, or have a blessing from God upon them and us, than they shall be directed to the glory of God, in the maintenance of the true Protestant profession; to the preservation of the property and liberty of the subject, in the observation of the laws; and to the maintenance of the rights and freedom of parliament, in the allowance and protection of all their just privileges."

A 5th Letter from the committee at York.] May 25. Another Letter from the lord Howard, at York, directed to the lord keeper, was received, and read as follows:

"My lord; In obedience to the command of the house, we waited yesterday on his maj. and presented him with the Petition and Votes of both houses (p. 1242). He was pleased to tell us, 'That he would not give us a present Answer, but that we should have one shortly.' We do not, as yet, hear of any resolution to lay down these Guards; the Foot are still in the same number they were; the Horse, as we hear, do increase; so likewise, do men's fears and apprehensions. The Prince is made captain of these Horse, a brother of sir John Byron's lieutenant, and one of sir Ingleby Daniel's sons, a gentleman of this country, is made cornet. His majesty had summoned the freeholders, copyholders, and substantial farmers, of this county, to be here, at York, on Friday next; but, this afternoon, we hear there is a warrant, from the king, to the high sheriff, to defer that meeting till Friday come se'ennight. Your lordship's humble servant, ED. HOWARD. York, May 23, 1642."

An Order of the House of Lords for summoning their absent Members.] This day the lords took notice of several of their house being absent on the king's letters to attend him at York; and judging it contrary to the privileges of that house, resolved to consider what course was fit to be taken with these deserters. Hereupon it was ordered, That the lords gone to York, or other places, contrary to a former Order of this house, shall be sent for, and taken into custody, to answer their contempt done to this house; and, in case they refuse to come, then the house would give judgment against them for the same. The lords North and Brooke were appointed to put down the names of such peers as were absent without leave &c. This was done accordingly, and presented to the house under the following Distinctions:

Lords that have absented themselves from the PARLIAMENT, and are now with his MAJESTY at York.

The Lord-Keeper	Earl of Lindsey
Duke of Richmond	Earl of Newcastle
Marquis of Hertford	Earl of Dover
Earl of Cumberland	Earl of Caernarvon
Earl of Bath	Earl of Newport
Earl of Southampton	Earl of Thanet
Earl of Dorset	Earl of Huntingdon
Earl of Salisbury	Lord Spencer
Earl of Northampton	Lord Strange
Earl of Carlisle	Lord Willoughby of
Earl of Clare	Eresby
Earl of Westmoreland	Lord Rich

Printed and published by Bagster and Thomas, Paternoster Row, London.

ness, but upon the ruin of this, and, in it, of all parliaments, and, in them, of the true religion and the freedom of this nation.—These are the men that would persuade the people, that both Houses of Parliament (containing all the Peers, and representing all the Commons of England) would destroy the laws of the land and liberty of the people, wherein, besides the trust of the whole, they themselves, in their own particulars, have so great an interest of honour and estate, that there is little hope it will gain little credit with any that have the least use of reason, that such as must have so great a share in the misery, should take so much pains in the procuring thereof, and spend so much time, and run so many hazards, to make themselves slaves and destroy the property of their estates.—But that we may give particular satisfaction to the several imputations cast upon us, we shall take them in order, as they are laid upon us, in that Message.—First, we are charged 'for the moving of that act of sir John Hotham, which is termed unparalleled, and an high and unheard-of affront unto his majesty,' and, as if we needed not to have done it, 'he being able,' as is alledged, 'to produce no such command of the houses of parliament.'—Although sir J. Hotham had not an Order that did express every circumstance of that act, yet he might have produced an Order of both houses which did comprehend this case, not only in the clear intention, but in the very words thereof, which knowing in our consciences to be so, and to be most necessary for the safety of the kingdom, we could not but in honour and justice move that act of his, which we are confident will appear to all the world to be so far from being an affront to the king, that it will be found to have been an act of great loyalty to his majesty, and to his kingdom.—The next charge upon us, 'That, instead of giving his majesty satisfaction, we published a Declaration concerning that business, as an Appeal unto the People; as if our intercourse with his majesty, and for his satisfaction, were now to no more purpose,' which course is alledged to be very unagreeable to the modesty and duty of former times, and not warrantable by any precedents, but what ourselves have made.—If the penner of this Message had waited a while, and had not expected that two houses of parliament, (especially burthened as they are at this time with so many pressing and urgent affairs) should have moved as fast as himself, he would not have said that Declaration was instead of an Answer to his majesty; which we did dispatch with all the speed and diligence we could, and have sent it to his majesty by a committee of both houses, whereby it appears, that we did it not upon that ground, 'that we thought it was no more to any purpose to endeavour to give his majesty satisfaction.' And as for 'the duty and modesty of former times, from which we are said to have varied, and to want the warrant of any precedents therein, but what ourselves have made:' if we have made any precedents in this parliament, we have made them for posterity; upon the same or better grounds of reason and law than those were, upon which our predecessors first made any for us. And as some precedents ought not to be rules for us to follow, so none can be limits to bound our proceedings, which may and must vary according to the different condition of times, and for this particular 'of setting forth Declarations, for the satisfaction of the people, who have chosen and intrusted us with all that is dearest to them,' if there be no example for it, it is because there were never any such monsters before, that ever attempted to disaffect the people to a parliament, or could ever harbour a thought that it might be effected: were there ever such practices to poison the people with an ill apprehension of the parliament? Were there ever such imputations and scandals laid upon the proceedings of both houses? Were there ever so many and so great breaches of privilege in parliament? Were there ever so many and so desperate designs of force and violence against the parliament, and the members thereof? If we have done more than ever our ancestors have done, we have suffered more than ever they have suffered; and yet, in point of modesty and duty, we shall stand right to the best of former times; and we shall put this to issue, Whether the highest and most unwarrantable proceedings of any of his majesty's predecessors, do not fall short of, and much below, what hath been done to us this parliament: and on the other side, Whether, if we should make the highest precedents of other parliaments our patterns, there would be cause to complain of 'Want of modesty and duty in us,' when we have not so much as suffered such things to enter into our thoughts, which all the world knows they have put in action?—Another Charge which is laid very high upon us (and which were indeed a very great crime if we were found guilty thereof) is, 'That, by burning this act of sir J. Hotham, we do, in consequence, confound and destroy the title and interest of all his majesty's good subjects to their lands and goods; and that upon this ground, That his majesty hath the same title to his own town of Hull, which any of his subjects have to their houses or lands; and the same to his Magazine or Munition there, that any man hath to his money, plate, or jewels; and therefore that they ought not to have been disposed of without or against his consent, no more than the house, land, money, plate, or jewels, of any subject ought to be, without or against his will.'—Here that is laid down for a principle, which would indeed pull up the very foundation of the liberty, property, and interest of every subject in particular, and of all the subjects in general; if we should admit it for a truth, 'That his majesty hath the same right and title to his Towns and Magazine (bought with the public monies, as we conceive that at Hull to have been) that every particular man hath to his house, lands, and goods,' for his majesty's towns are no more his own,

[...] his kingdom is his own, and his kingdom is no more his own, than his people are his own, and if the king had a property in all his [...]ons, what would become of the subject's property in their houses thereto? And if he had a property in his kingdom, what would become of the subjects property in their lands throughout the kingdom? Or of their liberties, if the king had the same right in their persons, that every subject hath in their lands, or goods? And what should become of all the subjects interest in the towns and forts of the kingdom, and in the kingdom itself, it his majesty might seek, or grant them away, or dispose of them at his pleasure as a particular man may do with his lands and with his goods? This evidences manifestly, being refused into princes, 'That their kings must live their own, and that they can do no other things what they will, (as if their kingdoms were for them, and not they for their kingdoms.) To root out all the subjects liberties, and all by the invading of their just rights and liberties which, indeed, they are only intrusted with by their kingdoms, and with their persons, and with their people, and with the public treasure of the commonwealth and whatsoever is kept therewith by the known laws of the kingdom, the very jewels of the crown are not the king's proper goods, but are only intrusted with him for the use and ornament thereof, as the [...] forts, treasure, magazine, others and property of the kingdom, and the whole kingdom itself is intrusted unto him for the [...] best advantage there [...] and [...] the use of the kingdom, so [...] managed by the advice of the houses of parliament, whom the kingdom hath [...] purpose, it being their duty [...] charged according to the [...] intent thereof'; and, as much [...] by all possible means to protect the [...] which, if it hath been the [...] only aim in the disposing of the [...] gazine of Hull, [...] dom, their hopes will appear [...] world, that their [...] trust, and not intended their [...] much less, his royal [...] they could not [...] had, indeed, 'property in the town and magazine of Hull, who denies but the parliament may dispose of any thing in case the majesty or any subject hath rights, in such a way as that the kingdom may not be exposed to hazard or danger [...] in case in the disposing of the town and magazine of Hull. And who can say his majesty do allow this, and a greater, power to a parliament, but in that sense only as he himself is a part thereof; was appeal to every man's conscience, that hath observed our proceedings, whether we disowned his maj. from his parliament, who have, in all humble ways, sought his concurrence with us; as in this particular about Hull, and for the removal of the Magazine there, so also in all other things, or whether these evil counsellors about him have not separated him from his parliament, not only in distance of place, but also in the discharge of this joint trust with them for the peace and safety of the kingdom, in this and some other particulars.—We have given no occasion to his majesty to declare his resolution with so much earnestness. That he will not suffer either, or both houses, by their Votes, without or against his consent, to [...] any thing that is forbidden by the law, or to [...] any thing that is enjoined by the law: for our Votes have done no such thing and he was well the very tender of the law, which is our knowledge to be the safeguard and custody of all public and private interests, so we shall never allow a few private [...] of necessity, nor his maj. himself, [...] out of his court, to [...] contrary to the judgment of the highest court of judicature in this nation. That his majesty hath not resolved to consent to any thing, that might be [...] and happiness of the kingdom,' he cannot [...] in any other sense, but as his maj. [...] the measure of what will be to the peace and happiness of the kingdom, from some ill-affected persons about him, [...] to the advice and judgment of his [...] parliament.—And because the [...] both houses of 'Parliament' hath, [...] the suggestions of evil counsellors, [...] undervalued of late, and so ab- [...] and refused; we hold it fit to [...] the 'Kingdom,' (whose honour [...] concerned in it) what [...] the great council of parliament [...] and what is the obligation that [...] the things of this realm to pass such [...] and unto them by both houses [...] the name, and for the good, [...] kingdom, whereunto they stand [...] conscience and in justice, to [...] assent in conscience, and in re- [...] that is, or ought to be, taken [...] this realm at their coronation, [...] to [...] their royal assent, such [...] people shall choose; and to [...] inventions as the [...] offer; as to keep and protect [...] in being. This may appear [...] the Form of the Oath upon record, [...] of good authority, and by the [...] 1 Edw. 3. entitled, 'The Statute of Praers of Benefices,' the form

* It appears by the Commons' Journals of the 1st of the month, that there was a Division in the house, upon the question, 'Whether this clause beginning with these words, 'In conscience, &c.' should stand as part of this Declaration?' It was carried in the affirmative by 103 voices against 61. This enables us to correct a mistake of lord Clarendon's, wherein he says, speaking of the time of the passing this Declaration, 'that, in debates of the highest consequence, there was not usually present the house of commons the fifth part of their [...]

[illegible] ...ha... ...be... ...latter ... ...of the ... ...affect ... ...and ... ...from them ... ...are u... ...of the ... ...matters, ...from ... ...hearkening ... ...by the ... ...constitution ... ...and ... ...best counsel ... ...the ... ...malicious ... ...in op... ...posing and con... ...ne ad... ...vi... ...and just ... ...as most ... ...faithful counsel, and ... Who are ... ...they that not only ... ...but en... ...courage, but la... ...bour to undermine ... ..., colour of ... ...reasons ... of it, but they that endeavour to ... ...remove the fountain and ... ...tory of the ... ...law, ...is the ... ...act? And who are ... ...the ... ...t 'set up rules ... ...r themselves to walk ... ..., other than such as are ... ...ed by law,' ... ...but they that will make other ... ...of the ... ...law than the law hath appointed; and so dispense with their obedience to that which the law calleth 'Authority,' and to their determinations and resolutions to ... ...them the judgment doth appertain by law? For when private persons shall make the law to be their rule, according to their own understandings contrary to ... ...judg... ...ts of th... ...that are competent ... ...l... ...roof, they ... ...ts into themselves ... ...thes... ...than the l... ...w doth ack... ...le...

[illegible] these persons are ... ...o know better ... ...h... ...himself; and if he will use to ... ...all ... ...he caution ... ...from ... ...destruc... ...tion ... ...wealth and himself, and ... ...will ... ...hem from about him, it would ... ...be the most effectual means to compose all the distractions, and to cure the distempers of this ... ...kingdom. For the Lord D[illegible]by's Letter, we did ... ...not ... ...ation ... ...te a'g... ...and to hinder ... ...ety ... ...ou ... ...sh ... ...wn Port, but was ... ...a ... ...y ... ...gm... ...nt ... ...y and ... ...ma ... ...shall read that Letter, and inquire at ... ...with the po... ...ter that has ... ...ept ... ...t, and ... ...told us ... ...ward ... ...e ... ...ma... ...ter, and ... ...hat ... ...ir ... ...ces ... ...f ... ...t ... ...of ... ...the ... ...ng ... ...t Hull, ...ther th... ...ord... ...s ... ...t ... ...y ... ...y ... ...tended 'only a visit' of ... ...t ... ...and ... ...agrame ... As to the ways ... ...ntertures of Accommodation, and the ... ...ssa... ...e ... ...the ... ...Lord ... Jan. last, ...o often ... ...pu... ...t ... ...t ... ...s ... ...s alleged, nor ... ...Ans... ...s ... ...ld ... ...d, so oft ... ...s th... Mes... ...s of the ... ...J... ...t ... ...th ... ...n... ...d; so often have ... ...s ... ...s been clearly infringed; in that way and method of proceeding should be present unto us, as well for the setting of his majesty's Revenue ... ...for the ... ...e ... ...ring of our own ... ...d... ...s ... ...thing which in former parliaments, how always ... ...e ... ...st us a breach of privilege; yet, in respect of the ... ...ter ... ...ntained in that Message, and out of our earnest desire to beget a good understanding between his ... ...ty ... ...and ... ...u, we swallowed

But under ... ...we ... ...they ... ...such ... ...s ... ...how ... ...e ... ...case of Hull should ... ...concern ... ...ersons and ... ...ho... ...se, or ... ...consequence ... ...nd ... ...nsequence, ...at ... ...e ... ...in ... ...pe... ...ering ... ...ministry ... ...so ... ...from ... ...their private ... ...ns, by the ... ...preservation ... ...the whole from ... ...confusion ... ...and ... ...destruction; and much ... ...ss ... ...we ... ...understand how the Sovereign Power ... ...was ... ...resisted and ... ...despised therein: certainly no ... ...command ... ...his ... ..., and his ... ...high ... ...court of ... ...parliament, ... 'Sovereign Power' resides, ...disobedience ... ...by sir John Hotham; nor yet was he ... ...may ... ...authority ... ...derived ... ...out of any other ... ...court, or by any ... ...legal ... ...commission, or by any other way ... ...than ... ...the law ... ...hath ... ...appointed his ... ...majesty ... ...commands, to be derived to his ... ...subjects; and of what ... ...kind ... ...soever ... ...verbal ... ...commands ... ...are, without any such ... ...stamp ... ...of his ... ...authority upon them, and against the Order of both houses of Parliament, and whether the not ... ...submitting ... ...thereto ... ...be a ... ...resistance ... ...and ... ...despising of the ... ...Sovereign Authority, ...I ... ...leave it to all ... ...men ... ...to ... ...see that ... ...all ... ...men ... ...the ... ...government of ... ...kingdom. — We ... ...acknowledge, 'That his majesty hath made many ... ...expressions of his zeal and intention ... ...against the ... ...practices of Papists;' but yet it ... ...is ... ...true, that the ... ...means ... ...which ... ...have ... ...prevailed ... ...with ... ...him, ...have ... ...been little ... ...suitable to ... ...those ... ...expressions ... ...and ... ...intentions ... ...for what doth more ... ...advance ... ...the ... ...open and bloody design of the Papists in Ireland, (where ... ...the ... ...secret ... ...practices ... ...of the Papists ... ...have ... ...not ... ...wrought ... ...the ... ...like ... ...effects) ... ...than ... ...the ... ...refusal ... ...of the ... ...militia ... ...and ... ...the ... ...arms ... ...put ... ...into ... ...the ... ...hands ... ...of ... ...Papists, ...and ... ...the ... ...denying ... ...the ... ...Parliament, ...and ... ...setting ... ...forth ... ...sharp ... ...invectives ... ...against ... ...them, ...notwithstanding ... ...the ... ...humble ... ...desires ... ...and ... ...other means, ...which ... ...his ... ...parliament ... ...hath ... ...used ... ...for ... ...his ... ...return, ...and ... ...for ... ...the ... ...removing ... ...those ... ...counsels ... ...which ... ...were ... ...most ... ...likely to ... ...give ... ...rise ... ...to ... ...the ... ...designs ... ...of Papists (whereof there are so many in the North ... ...near ... ...to ... ...the ... ...town ... ...of ... ...Hull, ...and ... ...of ... ...other ... ...malignant ... ...and ... ...ill-affected ... ...persons, ...which ... ...are ... ...ready to join with them, ...or to ... ...attempts ... ...of ... ...foreigners ... ...to ... ...arrive), ...or ... ...to ... ...the ... ...continuing ... ...of that great Magazine at Hull, at this time, contrary to the desire and advice of both houses of parliament? So that we have too much cause to believe, that the Papists have still some way and means, whereby they have influence upon his majesty's counsels for their own advantage. — For the Malignant Party, his majesty needeth not a definition of the law, nor yet a more full character of them from both houses of parliament, for to find them out ... ...if he will please only to apply the above

down all matters of circumstance; and had, e'er this time, presented the chief of our desires to his majesty; had we not been interrupted with continual Denials, even of those things that were necessary for our present security and subsistance; and had not those denials been followed with perpetual invectives against us and our proceedings, and had not those invectives been heaped upon us so thick one after another, (who were already in a manner wholly taken up with the pressing affairs of this kingdom, and of the kingdom of Ireland) that, as we had little encouragment from thence to hope for any good Answers to our desires, so we had not so much time left us to perfect them in such a manner as to offer them unto his majesty.—We confess it is a resolution most worthy of a prince, and of his majesty, 'To shut his ears against any that would incline him to a Civil War, and to abhor the very apprehension of it;' but we cannot believe that mind to have been in them that came with his majesty to the house of commons; or in them that accompanied his maj. to Hampton-Court, and appeared in a warlike manner at Kingston upon Thames; or in divers of them that followed his maj. now lately to Hull; or in them that, after, drew their swords at York, demanding 'who would be for the king,' nor in them that advised his maj. to declare sir John Hotham a traitor, before the Message was sent concerning that business to the parliament; or to make Propositions to the gentlemen of the county of York, to assist his maj to proceed against him in a way of force, before he had, or possibly could receive an Answer from the Parliament, to whom he had sent to demand justice of them against sir J. Hotham for that fact and if those malignant spirits shall ever force us to defend our religion, the kingdom, the privileges of parliament, and the rights and liberties of the subjects, with our swords, the blood and destruction that shall ensue thereupon, must be wholly cast upon their account, God nod our own consciences tell us that we are clear, and we doubt not but God and the whole world will clear us therein.—For captain Legge, we did not say, 'That he was accused, or that there was any charge against him for the bringing up of the army,' but that he was employed in that business. And for that question concerning the earl of Newcastle, mentioned by his majesty, which is said 'to have been asked long since, and that it is not easy to be answered;' we conceive that it is a question of more difficulty, and harder to be answered, Why, when his maj. held it necessary, upon the same grounds that first moved from the houses of parliament, that a governor should be placed in that town, sir J. Hotham, a gentleman of known fortune and integrity, and a person of whom both houses of parliament had expressed their confidence, should be refused by his majesty; and the earl of Newcastle (who, by the way, was so far named in the Impeachment of the bringing up of the army, that although there was not ground enough for a judicial proceeding, yet there was ground of suspicion, at least his reputation was not left so unblemished thereby, as that he should be thought the fittest man in England for that employment of Hull) should be sent down, as a private way, from his majesty, to take upon him that government; and why he should disguise himself under another name, when he came thither, as he did?—But whosoever shall consider, together with these circumstances, that of the Time when sir J. Hotham was first appointed by both houses of parliament to take upon him that employment; which was presently after his majesty's coming to the house of commons, and upon the return of himself to Hampton-Court, and the lord [illegible]by's assembling of cavaliers at Kingston upon Thames, will find reason enough why that town of Hull should be committed rather to sir J. Hotham, by the authority of both houses of parliament, than to the earl of Newcastle, sent from his maj. in the manner that he was and for the power that sir J. Hotham has from the houses of parliament, tha better it is known and understood, we are confident the more it will be approved of and justified. And as we do not conceive, That his majesty's refusal to have that Magazine removed could give any advantage against him to have it taken from him; and as no such thing is done, so we cannot conceive for what other reason any should counsel his majesty not to suffer it to be removed, upon the desire of both house of parliament; except it be that they had an intention to make use of it against the parliament.—We did not except against those that presented a Petition to his majesty at York, for the continuance of the Magazine at Hull, 'in respect of their condition, or in respect of their number, because they were mean persons, or because they were few;' but because they being but a few, and there being so many more in the county of as good quality as themselves, (who have, by their Petition to his majesty, disavowed that act of theirs) that they should take upon themselves the style of 'All the gentry and inhabitants of that county,' and, under that style, should presume to interpose their advice contrary to the Votes of both houses of parliament, and if it can be made appear, that any of these Petitions, that are said to have been presented to the honourable parliament, 'and to have been of a strange nature,' were of such a nature as that before mentioned, we are confident they were not received with our consent and approbation.—Whether there was 'an intention to deprive J. Hotham of his life,' if his majesty had not admitted into Hull; and whether the information were such, as that he had ground to believe it, we will not bring it into question, for that it was not, nor ought to have been, the Ground for doing what he did; neither was the 'number of his majesty's attendants,' for being more or fewer, much considerable in this case although all the train of his majesty had

forced 'with 20 horse only,' he might haply have found means to have forced the entrance if the rest of his train, who, being once in the town, would not have been long without arms, (that was not the 'Ground' that sir J Hotham had to proceed upon, but upon the admittance of the King into the town at all, so as to 'debar to the town and magazine unto him, and to [illegible] he should give the command [illegible] without the knowledge and consent of both houses of parliament, by whom he was [illegible] to the contrary, and his majesty [illegible] declared that 'to be his intention,' coming the town, in a Message that he sent to parliament not long before he went to Hull, 'That he did not doubt but that town [illegible] be delivered up to him, whensoever he [illegible]ed, as supposing it to be kept against [illegible],' and in like manner concerning the Magazine, in his Message of the 24th of April; wherein it is expressed, 'That his majesty went thither with a purpose to take into his hands the Magazine, and to dispose of it in such a manner as he should think fit' upon these terms sir J. Hotham could not have admitted his majesty and made good his trust to the parliament; though his majesty would have entered 'alone,' without any attendance at all of his own, or of the prince or duke, his sons, which we do not wish to be less than they are in their number, but could heartily wish they were, generally, better in their conditions.—In the close of this Message, his majesty states the case of Hull, and thereupon inferreth, 'That the act of sir J Hotham was levying of war against the king, and consequently that it is no less than high treason, by the letter of the statute of 25 Edw 3 c 2 [illegible] the statute in very differing from the letter thereof.'—In the stating of this three particulars may be observed wherein it is not rightly stated; as, first, That his majesty 'going to Hull was only in endeavour to enter town and fort of it,' whereas he had full 'purpose [illegible] of the town and fort, and to dispose of them as he should think good, without any control [illegible] the advice and orders of both houses of parliament,' as doth clearly appear by the [illegible] Declaration and [illegible] by his Message [illegible] before and after the [illegible] before that any man, but [illegible] circumstances of that [illegible] that he may would [illegible] town, and in the [illegible] to put himself in to towards the parliament [illegible] intended only 'a war to the town and magazine' Secondly, It is said 'to be' [illegible] own town, and his own [illegible] being understood in the [illegible] before expressed, as if his majesty had a private interest or property therein, we cannot admit it to be so Thirdly, (which is the main point of all) sir J Hotham 'is said to have levied war against his majesty, and to have [illegible] ance with armed men in the [illegible] jesty;' whereas it was indeed [illegible] his majesty and his authority, [illegible] vice, and the service of the kingdom; for whose use only all that interest is that the king hath in the town, and it is no further his to dispose of, than he useth it for that end: and sir J Hotham being commanded to keep the town and magazine for his majesty and the kingdom, and not to deliver them up, but by 'his majesty's authority signified by both houses of parliament,' all that is to be understood by those expressions of his 'denying and opposing his majesty's entrance, and telling him, in plain terms, he should not come in,' was only this, 'That he humbly desired his majesty to forbear his entrance till he might acquaint the parliament, and that his authority might come signed to him by both houses of parliament, according to the trust reposed in him' And certainly if the letter of the statute of 25 Edw. 3 c. 2 be thought to import this, That no war can be levied against the king, but what is directed and intended against his person; or that every levying of forces for the defence of the king's authority, and of his kingdom, against the personal commands of the king opposed thereunto, though accompanied with his presence, is levying war against the king, it is very far from the sense of that statute; and so much the statute itself speaks, besides the authority of Book-cases, and Precedents of divers traitors condemned upon that interpretation thereof for if the clause of levying war had been meant only against the king's person, what need had there been thereof, after the other branch of treason, in the same statute, of compassing the king's death, which would necessarily have implied that? And because the former [illegible] doth imply this, it seems not at all to be intended in this latter branch, but only the levying war against the king, that is, against his laws and authority; and the levying war against his laws and authority, though not against his person, is levying war against the king, but the levying of force against his person, and [illegible] compassing his death. Long [illegible] accompanied with his presence [illegible] and not against his law and authority, but in the [illegible] thereof, is no levying war against the king, but for him — Hen 4th [illegible] In a time of so many [illegible] to plot and design of [illegible] against the parliament [illegible] in a time of probable [illegible] from abroad, and that to begin at Hull, and to take the opportunity of seizing [illegible] there [illegible] in a time of [illegible] alienation of his majesty's affection [illegible] parliament, and in them from his kingdom which they represent, by the wicked [illegible] of a few malignant persons, [illegible] counsels he is wholly led away [illegible] and their faithful advice [illegible] and command [illegible] sir J. Hotham to deny admittance of the Trained Bands [illegible] to the town of Hull, for the [illegible] and magazine, for the [illegible] of the kingdom, of

the safety whereof there is a higher trust reposed in them than any where else, and they are the proper judges of the danger thereof.—This town and magazine being intrusted to sir J. Hotham, with express orders not to deliver them up but by the kings authority signified by both houses of parliament, the message contrary to the advice and direction of both houses of parliament is, without their consent, any court, or of any legal way wherein the law appoints the king to speak and command accompanied with the same evil counsels about him that he had before, by no lawful command requires sir J. Hotham to admit him into the town, that he might dispose of it, and of the magazine there, according to his own, or rather according to the pleasure of those evil counsellors, who are still in so much credit about him; in like manner the lord Digby hath continual recourse unto, and constant access from, the queen's majesty in Holland by which means he hath opportunity still to communicate his traiterous suggestions and corruptions to both their majesties, such as these were concerning 'his majesty's return,' to a place of strength, and declaring himself, and his own advancing of his majesty's service in such a way beyond the seas, and after their resorting to his majesty in such a place of strength;' and many other things of that nature, contained in his Letter of the queen and to sir Lewis Dives, a person that had not the least part in this late business of Hull, and was presently dispatched away unto Holland, even after his majesty's return from Hull [illegible] purpose we leave the world to judge. For the refusal of sir J. Hotham to admit any into Hull, presently, without any due process of law, before his majesty had received information of his fact to the parliament, is no proclamation of traitor, and yet such a one that therein there is no declaration of the subject's right, nor any breach of the law, nor of the privilege of parliament, though sir J. Hotham be a member of the house of commons and that his majesty must have better assurance than bare Votes to believe the contrary. Although the Votes of the lords and commons in parliament, being the great council of the kingdom are the reason of the king and of the kingdom, yet these Votes do not warrant in any apparent reason for them for if the subject proclaiming a man a traitor signifies any thing, it puts a man, and all those that join with him, assist, or adhere unto him, into the same condition of traitors, and draws upon him all the consequences of treason; and it is thus may be done by law, without due process of law the subject hath a very poor defence of the law, and a very small, if any, proportion of liberty thereby and it is as little satisfaction to a man that shall be exposed to such penalties, by that declaration of him to be a traitor, to say, 'He shall have a legal trial afterwards,' as it is to condemn a man first and try him afterwards: and if there can be a necessity in any such proclaiming a man a traitor without due process of law, yet there was none in this case; for his majesty might have as well expected the judgment of the parliament, which in the right way, as he had lawful reason to send to demand justice against sir J. Hotham, [illegible] the breach of privilege of parliament is [illegible] [illegible] [illegible]

hands upon their hearts, and think with themselves, whether such persons, as have of late, and still do resort to his majesty, and have his ear and favour most, either have been, or are more zealous assertors of the true Protestant profession, (although we believe they are more earnest in the Protestant Profession, than in the Protestant Religion) or in the laws of the land, the liberty of the subject, and the privileges of parliament, than the members of both houses of parliament, who are misnamed to be the deserters, if not the destroyers of them: and whether, if they could master this parliament by force, they would not hold up the same power to deprive us of all parliaments, which are the ground and pillar of the subjects liberty, and that which only maketh England a free monarchy.

For the Order of Assistance to the Committees of both houses, as they have no directions or instructions, but what have the law for their limits, and the safety of the land for their ends, so we doubt not but all persons mentioned in that Order, and all his majesty's good subjects, will yield obedience to his majesty's authority signified therein by both houses of parliament: and that all men may the better know their duty in matters of this nature, and upon how sure a ground they go that follow the judgment of parliament for their guide, we wish them, judicially, to consider the true meaning and ground of that statute, made in the 11 Hen. 7. c. 1. which is printed at large in the end of his majesty's Message of the 5th of May. This statute provides, 'That none that shall attend upon the king, and do him true service, shall be attainted or forfeit any thing.' What was the scope of this statute? Is it possible that men should not suffer as traitors for serving the king in his wars, according to the duty of their allegiance? If this had been all, it had been a very needless and ridiculous statute. Was it then intended, (as they may seem to the meaning of it to be, that cannot be proved after his majesty's Message that they should be free from all crime and penalty who should follow the king, and serve him in war, in any case whatsoever, whether it were for or against the kingdom, and the laws thereof? That cannot be, for that could not consist with the duty of their allegiance, which, notwithstanding this statute, is expressed to be, 'to serve the king for the time being in his wars, to the defence of him and the land,' and therefore it must be against the law, (as it cannot be understood to be otherwise, if it be against the parliament, the representative body of the kingdom) it is a declining from the duty of allegiance, which this statute supposeth may be done, though man should follow the king's person in the war. otherwise there had been no need of such a proviso in the end of this statute, 'That none should take benefit thereby, that should decline from their allegiance.' That therefore which is the principal view in this statute, is, 'The serving of the king for the time being;' which cannot be meant of a Perkin Warbeck, or any that should call himself king; but such a one as, whatever the title might prove, either in himself or in his ancestors, should be received and acknowledged for such by the kingdom, the consent whereof cannot be discerned but by parliament, the act whereof is the act of the whole kingdom, by the personal suffrage of the peers, and the delegate consent of the commons of England: and Henry 7, a wise king, considering that what was the case of Richard 3, his predecessor, might, by chance of battle, be his own, and that he in that at once, by such a statute as this, safely such as had served in place for in his wars, and also secure those that should serve him, who might otherwise fear to serve him in the wars, lest, by chance of battle, that might happen to him also, (if a duke of York had set up a title against him which had happened in his predecessor, he procured this statute to be made, 'That no man should be attainted a traitor for serving the king in his wars for the time being,' that is, which was for the present allowed and received by the parliament on behalf of the king for a, and, as it is truly suggested in the preamble of the statute, it is not agreeable to reason nor conscience that it should be otherwise, seeing men would be put upon an impossibility of knowing their duty, if the judgment of the highest court should not be a rule and guide to them: and if the judgment there of should be foll wed, where the question is, Who is king? Much more, What is the best service of the king and kingdom? And therefore I use that shall guide themselves by the judgment of parliament, ought, whatever happen, to be exempted from all crime and penalty, upon the grounds and equity of this very statute.—We shall conclude that although those wicked counsellors about his majesty have presumed, under his majesty's name, to put that dishonourable affront upon both houses of parliament, as to make them the instruments of treason, which he have resolved all the bonds and ties of confidence between his majesty and his parliament, of whom it is said in the laws, 'That a dishonourable thing ought not to be imagined of them,' we will not but hope, and, in the mean time, to all the world, that our endeavours have been most hearty and sincere, for the maintenance of the true Protestant Religion, the king's just Prerogative, the Laws and Liberties of the Land, and the Parliament: which, in which endeavours, by the grace of God, we will still persist, though we should perish in the work, which, if it should be, it is much to be feared, That Religion, Laws, Liberties, and Parliaments, would not be long-lived after us."

Orders of Parliament against removing the Records to York, &c.] May 27. This day there was a report made in the house of lords, of a conference held the day before, in which the commons desired, That since they were informed of the king's resolution to remove the next Term to York, some course might be taken

prevent the removal of the Records, at Westminster, to that place Agreed to, and an Order was sent to all the keepers of the records, for that purpose.—They proposed, That a committee of lords might be appointed to join with one of their house, to consider of some fit means for the present defence of the kingdom. A committee of twelve lords was appointed accordingly.—They also informed the lords that they had received Letters from sir J. Hotham, and others, by which their lordships might see the Malignant Party were still working designs to disturb the peace of the kingdom. Then a Letter from sir J. Hotham to Mr Hampden was read, dated May the 25th, concerning a design, by one Beckwith and others, to surprize the town of Hull; also another from the town of Beverley, to the same purpose. Ordered, That Mr. Beckwith shall be sent for as a delinquent.

The lords examined several messengers, sent down to take into custody the gentlemen who signed a late Petition to the king against removing the Magazine from Hull.* These declared, That they had served them all with the Order, not to let them personally; and that those had shewn them the king's Warrant for not obeying that order. A copy of one of the Warrants was read as follows

"C R We strictly charge and command you, Francis Wortley, knt upon your allegiance, and upon pain of our heavy displeasure, not to go or remove out of this county, upon any occasion or command whatsoever; but to stay and abide therein, to attend our service, as we shall direct. And hereby we likewise charge all our subjects and officers, of what quality soever, to forbear arresting or attaching you, Francis Worthey, as they will tender our royal resentment at their peril. Dated at our court at York, April 28, 1642."

Further Instructions from the Parliament, to their Commissioners in Lincolnshire and at Hull.] This day the commons sent up a copy of some Instructions to the Committees of both houses, appointed to go down into Lincolnshire and to Hull; which were agreed to by the lords, and were as follows

INSTRUCTIONS for sir Edw. Ayscough, knt sir Christ. Wray, sir Anthony Irby, sir John Wray, sir Wm. Armyn, sir Hatcher, and Mr. Brookhouse, Committees of the House of Commons assembled in Parliament, or to any three of them.

"You shall, in the name of us the lords and commons, declare and publish unto the sheriff of the county of Lincoln, the knights, gentlemen, and others, his majesty's subjects in that county, That sir John Hotham was, by us, commanded to secure the town of Kingston upon Hull, and the Magazine there, for his majesty's service and the peace of the kingdom, which otherwise would have been much endangered: and that, upon the same ground, what hath since been there done by him, hath been necessary in pursuance of those commands, and is by us allowed, and approved and warranted by the authority of parliament. You shall further take care, that such thousand Orders of both houses, as have shall be, sent down, be put in execution; shall require the sheriff, justices of peace, all other his majesty's officers and loving subjects, to be aiding and assisting unto you that purpose. 3 You shall take care, that forces be raised for the forcing the Town of Hull, or otherwise to disturb the peace of the kingdom: and, in case any be raised, you shall require the sheriff, in the name of both houses, to command them to disperse themselves; and, if they refuse so to do, that then the sheriff, by the *posse comitatus*, forthwith raise the power of the county, for suppressing of them; and you shall likewise by the same authority require the lord lieutenant appointed by the Ordinance of parl. and in his absence, the deputy lieutenant, to draw together the Trained-Bands, for the assistance of the sheriff in so doing. 4 Because it is not unpunishable that, under pretence of raising a Guard for his majesty's person, the knights, gentlemen, freeholders and others of the inhabitants, may be drawn together in the county of Lincoln, as we hear they have been in other places, you shall declare unto them and all others, That it hath ever been, and still shall be, the chief care and endeavour of the parliament to preserve his majesty's safety: That they do not harbour any evil intended to his royal person, which should move him to take such a course: That his greatest safety is in the affection, duty, and faithful advice of his parliament, and his greatest danger in this withdrawing himself from them, and proceeding in ways contrary unto them; so that the disaffected and malignant party, under colour of this service, go about to raise a faction and a party to resist the parliament; which at last, may break out into open rebellion, to the destruction of the king and people, if it be not (through the blessing of God) prevented by the wisdom and authority of parliament. 5 That, in case the like necessity of raising the forces of the county for the suppressing of any insurrection and securing the peace, you shall require sir J. Hotham to deliver such proportion of arms and ammunition out of the Magazine at Hull, as shall be necessary for that service; and you shall declare, That the parliament holds it lawful and necessary to dispose of the public Magazines of the kingdom, for the defence of the kingdom; as likewise for the suppression of the Rebellion in Ireland, which doth so much concern the safety of this kingdom: but that it is their intention, and resolution, to store them again, as holding it fit that such a preparation should be in readiness, upon all occasions, for the service of the king and defence of the common-wealth. 6. You

* This petition, with the names of the principal subscribers to it, will be found at *p* 1185.

[illegible] the [illegible] triumph [illegible] Duke [illegible] that

endeavour to clear the proceedings of the ... from all imputations and aspersions ... shall, from time to time, certify us ... things you conceive necessary for the present service; and, that we may have a speedy account of it, and that our directions to you, as ... may have their ready passage, you shall lay a strict charge upon all postmasters, that they do not ... any letters, or other dispatches, to or from ... parliament, to be intercepted or stayed: and, ... shall presume to make such stay of those ... you shall direct the postmasters to repair to the justices of the peace, constables, and all other officers, for their more assistance, who are hereby required to take special care there may be no such interruption. 7. Those of you that are Commissioners for Hull shall ... there, as often as you shall see it needful for preservation of that town. 8. You shall be careful to require the lord Willoughby of Parham, lord lieutenant of the county of Lincoln, to send such numbers of the Trained-Bands and others, for the safeguard of the town of Hull, as you shall conceive to be needful, according to the Order made by both houses in that behalf. 9. You shall take the best courses that may be, that all needful provisions be sent to the supply of the market at Hull, as it is usual, without any stop or interruption by water or land. 10. And, if you shall find any disaffected persons raising any parties or factions against the parliament, or spreading any scandals or aspersions upon their proceedings, like to disturb the peace of the kingdom, you shall cause all such persons, upon good proof of their misdemeanors, to be arrested and sent up to answer their offences, as to law and justice shall appertain. 11. You shall observe and execute all such further Directions and Instructions as you shall, from time to time, receive from both houses of parliament. 12. Whereas it doth appear to the lords and commons, that the king, seduced by wicked counsel, intends to make war against the parliament, therefore, if any person whatsoever shall endeavour to levy any soldiers, or to draw together any of the Trained-Bands, by Your Commission of any commission to him or them granted under the Great Seal or otherwise, you shall require a copy of such Warrant and Commission, and you shall in the name, and by the authority, of both houses of parliament, require such persons to forbear the execution thereof; and such and you shall command and require all his majesty's subjects to forbear to obey any such command, till you shall have sent up the copy thereof to the parliament, and receive further directions from the lords and commons therein. It is also ordered by the lords and commons in parliament, That Francis lord Willoughby of Parham, lord lieut of the county of Lincoln, shall be careful, from time to time, to supply and relieve the town of Hull; and that, upon any letter or request made unto him by sir J. Hotham, or any 5 of the Committee of both houses there residing, [illegible]

13. Whereas, by Order of the lords and commons in parliament, made the 28th of April last, the earl of Stamford, the lord Willoughby of Parham, sir Edw. Ayscough, sir Christ. Wray, sir Sam. Owfield, and Mr. Hatcher, were appointed to repair to the county of Lincoln, and from thence to Kinges in upon Trent; and, if there should be occasion, into any other part of Yorkshire, for the performance of certain Instructions therein expressed, as by that Order, and Instructions thereunto annexed, doth and may appear. In this day read, That the former Order above mentioned shall still continue in force, and that sir Wm. Strickland, Mr. Alured, Mr. John Hotham, Mr. Peregrine Pelham, and Mr. Wharton, shall be added to the former Committee; and that the said earl of Stamford, the lord Willoughby of Parham, sir Edward Ayscough, sir C. Wray, sir S. Owfield, Mr. Hatcher, sir W. Strickland, Mr. Alured, Mr. J. Hotham, Mr. Peregrine Pelham, and Mr. Wharton, or any 4 of them, shall have full power to put the said forementioned Order and Instructions into execution as likewise the Instructions under written, and all other Instructions which they shall hereafter receive from both houses of parliament. 1st, They shall assist sir J. Hotham, governor of Hull, with their best counsel and advice, and by all other means, for the safe keeping of that town for the security of the king and kingdom, in such manner as shall be required. 2dly, They shall take care to write to the lord lieut of Lincolnshire, to send into Hull, for the defence thereof, such further supplies of Trained-Bands and others as they shall needful for the preservation of the town. 3dly, They shall be careful, that the remainder of the Magazine, though not to be stayed there for the defence of that town, be preserved from wastes and embezzlement, and that a perfect account shall be kept of what powder, or ammunition, shall be from time to time issued out by warrant from the governor, and how the same is employed. 4thly, If the ships laden with the Magazine be not gone, you are to hasten it as much as may be, and you shall require the captains of the nine ships appointed for the better security of Hull to remain there, and diligently to attend their charge: and you shall let those captains know, as likewise the other officers and the companies of the said ships, how well their readiness in this service of the king and kingdom is taken by both houses of parliament, and you shall cause them to receive all due and fit encouragement. 5thly, Whereas there was heretofore an Order made, That 500 arms, half of them pikes and muskets, and the other half muskets, formerly at the county of Lincoln, and employed in his majesty's service at Berwick, should be restored out of the Magazine at Hull, according to his majesty's promise and direction to that behalf. 6thly, You shall desire sir J. Hotham to give present order that the like number of Arms, with swords and other furniture appertaining to so many pikes, corslets, and muskets, shall be forthwith delivered [illegible]

...ch person or persons as shall be appointed ... the lord-lieut. of the county of Lincoln, or ... two of the deputy lieutenants thereof."

Committee appointed to consider of Means to prevent a Civil War.] May 27. p. m. A ... was brought up from the commons, to ... it the joint-committee, before appointed ... rder of proper means for the present ... of the kingdom, might have power to ... into consideration all things to procure ... preserve the peace therein, and to prevent Civil War. Agreed to by the lords Accordingly, the next day the earl of Northumberland from the said committee, exhibited a ... ht of several propositions, fit to be presented ... the king, which were commanded to be ... and some alterations were made in them ... were then but 14 in all, but being sent ... to the commons, they were by them increased to 19 Articles, as will be seen in their ... place

Order to stop Arms and Ammunition going to York.] An Order was agreed to by both ... taken to the sheriffs and others of the ... l counties, within 150 miles of York, to take care to stop all Arms and Ammunition carrying to that place. Likewise another to suppress the raising and coming together of any soldiers, horse or foot, by any warrant, order, or commission, from the king, &c. The preamble to these Orders begins thus, "Whereas it appears that the king, seduced by wicked counsel, intends to make war against his parliament, and under colour of a Guard, doth command troops, both of horse and foot, to assemble at York, &c *"

The Magazine of Hull brought to London.] May 30. The lords were informed by the lord admiral, That he had received a Letter from the earl of Warwick, by the captains of the ships which brought the Magazine from Hull to London, that the said captains desire to be discharged from any further care of it, and he moved that a warrant might be granted for receiving the said Magazine into the Tower. The captains were called in, and, after having the thanks of the lords, for their care and diligence in this matter, they were recommended, with their seamen, to the commons, for some gratuity, to encourage others to do the like.

Lord Keeper Littleton's Petition to the Lords.] A Petition from the lord keeper Littleton was read, in these words

To the right hon. the LORDS assembled in Parliament. The Humble PETITION of EDWARD LITTLETON, Lord Keeper of the Great Seal,

"Sheweth, That, in his person, he is very willing to submit to your lordships Order of the 25d of this instant May, so far as is possible for him to perform, he being in so weak a condition of body, as appears by the Affidavit annexed, that he is not able to travel towards Westminster without danger of his life and further beseecheth your lordships to be informed of this truth, that Saturday last, about 2 o'clock in the afternoon, was the first time that he ever heard of his going to York; when he received his majesty's commands, under his sign manual and privy signet, to take his journey immediately, without reply or delay, towards York, and keep the same secret, whereunto he was enjoined upon his allegiance and fidelity and other obligations; which he taking into his consideration, with his oaths formerly taken, conceived he was bound in conscience to obey; and doth humbly beg your lordships pardon for not asking leave, which he could not possibly do, the house not sitting till Monday, and himself enjoined to take his journey instantly. And he further taketh the boldness to inform your lordships, that the king's majesty hath expressly commanded him, upon his allegiance, not to depart from him. And, lastly, beseecheth your lordships to continue him in your good opinion until he shall advise, or consent unto, any thing against the public good of this commonwealth; and he shall daily pray for your lordships increase of happiness.—EDWARD LITTLETON,"

The AFFIDAVIT above referred to.

"Tobias Peaker, servant to the lord keeper, maketh oath, That upon Monday night last, being the 23d of this instant May, he conceived that his lord would then have died; and that he is at present troubled with divers infirmities and diseases, so that he is not able to travel without endangering of his life"—The consideration of this Petition was deferred to another time.

The King's Answer to the Parliament's Petition for disbanding his Guard.] Then the lord Wharton, speaker of the house of peers in the absence of the lord keeper, acquainted the lords that he had received a Letter from the king, commanding him to communicate the inclosed to them, which was an Answer to a Petition of both houses, concerning the disbanding of his Guard, which had been presented to him at York, May 24, along with those Votes of both houses wherein it was declared, That the king intended to make War against the Parliament. The Answer was in these words:

"We cannot but extremely wonder, that the causeless jealousies concerning us, raised and fomented by a Malignant Party in this kingdom, which desires nothing more than to snatch to themselves particular advantages out of a general combustion, (which means of advantage shall never be ministered to them by our fault or seeking) should not only be able to seduce a weak party in this our kingdom, but seem to find so much countenance even from both houses, as that our raising of a Guard, without further design than for the safety of our person, (an action so legal, in manner so peaceable, upon causes so evident

* These Orders are at length in Rushworth, vol. iv. p. 721, 2. and in Husband's Collections, p. 899, &c.

and necessary) should not only be looked upon, and petitioned against by them, as a cause of jealousy, but declared to be the raising of a war against them, contrary to our former professions of our care of religion and law. And we no less wonder, that this action of ours should be said (in a very large expression) 'to be apprehended by the inhabitants of this county, as an affrightment and disturbance to our people,' having been as well received here, as it is every where to be justified; and (we speak now of the general, not of a few seduced particulars) assisted and sped by this county, with that loyal affection and alacrity as is a most excellent example set to the rest of the kingdom, of their care of our safety upon all occasions; and shall never be forgotten by us, nor, we hope, by our posterity, but shall be ever paid to them in that which is the proper expression of a prince's gratitude, a perpetual vigilant care to govern them justly, and to preserve the only rule by which they can be so governed, the law of the land. And we are confident, that if you were yourselves eye-witnesses, you would so see the contrary, as to give little present thanks, and hereafter little credit, to your informers and if you have no better intelligence of the inclinations and affections of the rest of the kingdom, certainly the minds of our people (which to some ends and purposes you represent) are but ill represented unto you.—Have you, so many months together, not contented yourselves to rely for security (as your predecessors have done) upon the affection of the people, but, by your own single authority, raised to yourselves a Guard, and that sometimes of no ordinary numbers, and in no ordinary way, and could not all those pikes and protestations, that army on one side, and that navy on the other, persuade us to command you to disband your forces, and to content yourselves with your ordinary (that is, with no) Guard; or work in us an opinion, that you appeared to levy war against us, or had any further design? And is it possible that the same persons should be so apt to suspect and condemn us, who have been so unapt, in the same matter, (upon much more ground) to tax or suspect them? This is our case, notwithstanding the care and fidelity of our parliament; our fort is kept by armed men, against us, our proper goods, first detained from us, and then, contrary to our command, by strong hand, offered to be carried away; in which, at once, all our property, as a private person, and all our authority, as a king, are wrested from us. And yet for us to secure ourself in a legal way, that sir J. Hotham may not by the same forces, or by more raised by pretence of the same authority, (for they say he raiseth daily some, and we know it no new thing for him to pretend Orders that he cannot shew) continue the war that he hath levied against us, and as well imprison our person, as detain our goods; and as well shut us up in York, as shut us out of Hull, is said to be 'esteemed a cause of great jealousy to the parliament; a raising war against them; and of danger to the whole kingdom; while these injustices and indignities offered to us are countenanced by them, who ought to be most forward in our vindication and their punishment, in observance of their oaths and of the trust reposed in them by the people, and to avoid the dissolution of the present government: upon which case the whole world is to judge, whether we had not reason, not wholly to rely upon the care and fidelity of our parliament, (being so strangely blinded by malignant spirits, as not to perceive our injuries) but to take some care of our own person, and, in order to that, to make use of that authority which the laws declare to be in us: and whether this Petition, with such a threatening conclusion, accompanied with more threatening Votes, gives us not cause rather to increase than diminish our Guard, especially since we saw, before the Petition, a Printed Paper, dated the 17th of May, underwritten, Hen. Elsing, Cler. Parl. D. Com. commanding, in the name of both lords and commons, the sheriffs of all our counties to raise the power of all those our counties; to suppress such of our subjects, as, by any of our commands, shall be drawn together, and put (as that Paper calls it) in a posture of war; charging our officers and subjects to assist them in the performance thereof, at their perils: for though we cannot suspect that this Paper (or any bare Votes, not grounded upon law or reason, or quotation of repealed statutes) should have any ill influence upon our good people; who know their duties too well, not to know, that to take up arms against those, who, upon a legal command, (that is, ours) come together to a most legal end, (that is, our security and preservation) were to levy war against us; and who appear in this county (and we are confident they are so throughout the kingdom) no less satisfied with the legality, convenience, and necessity of these our Guards, and no less sensible of the indignities and dangers which makes it necessary, than we are ourself; yet if that Paper be really the act of both houses, we cannot look upon it, but as the highest of scorns and indignities, first, to issue commands of force against us, and, after those have appeared useless, to offer, by Petition, to persuade us to that which that force should have effected.—We conclude this Answer to your Petition, with our counsel to you, That you join with us in exacting satisfaction for that unparalleled, and yet unpunished, action of sir J. Hotham; and that you command our fort and goods to be returned to our own hands. that you lay down all pretences (under pretence of necessity, or declaring what is law) to make laws without us, and, by consequence, make a cypher of us That you declare effectually against Tumults, and call in such Pamphlets (punishing the authors and publishers of them) as, seditiously, endeavour to disable us from protecting our people, by weakening, by false aspersions, and [illegible]

doctrines, our authority with them, and their confidence in us. The particulars of which Tumults and Pamphlets we would, long since, have taken care that our learned counsel should have been enabled to give in evidence, if, upon our former offer, we had received any return of encouragement from you in it. And if you do this, you then (and hardly till then) will persuade the world, 'That you have discharged your duty to God, the trust reposed in you by the people, and the fundamental laws and constitutions of the kingdom, and employed your care and utmost power to secure the parliament,' (for we are still a part of the parliament, and shall be, till this well-founded monarchy be turned to a democracy) 'and to preserve the peace and quiet of the kingdom;' which, together with the defence of the Protestant profession, the Laws of the Land, and our own just Prerogative, (as a part of and a defence to those laws) have been the main end, which, in our consultations and actions, we proposed to ourself."

This day Mr Pickering, a messenger, declared upon oath what lords he saw at York, and what he met going thither; on which it was ordered, That the said lords should be sent for to appear here, on the 8th of June next, or else the house would proceed to give judgment against them for their offence.

A Committee appointed to borrow Money of the Citizens of London] May 31. The commons being still in great distress for want of Money, it was this day ordered, That a message be sent to the lords, to desire that a committee of both houses might be appointed to go to the city, and represent to them the great necessity they were in, at this time, for present Money, to inform them of the sum required, and the security for it, and to desire that these necessities might be recommended to the particular wards of the city Ordered, also, That some members of this house be sent to the lord mayor, to desire him to call a common hall, to meet on Thursday next, the 2nd of June

Order of Parliament against the King's disposing of the Jewels of the Crown] June 1 At a conference, the commons exhibited an Order they had made against the pawning or selling the Jewels of the Crown: to this the lords agreed; an abstract of which is as follows "Whereas it doth appear to the lords and commons in parliament, That the king, seduced by wicked counsel, doth intend to levy war against his parliament; and that the Jewels of the Crown, which, by the laws of the land ought not to be alienated, are either pawned or sold in Amsterdam, or some other parts abroad, and thereby great sums of money provided, to be returned to York, to the king's servants, or agents, for his use. And whereas it is more than probable, that this great provision of money, in such an extraordinary way, is to maintain their intended war, and thereby to bring the whole kingdom into utter ruin and confusion: It is therefore declared, by the lords and commons in parliament, that whosoever hath been, or shall be, an actor in the selling or pawning any of the said Jewels, or shall bring any money in specie into the kingdom, or shall accept of any bill from abroad, for the payment of any sum of money for or upon any of those jewels, and shall pay such sum according to such bill, after notice of this order, &c such person shall be held a promoter of this present war, and an enemy to the state, and ought to give satisfaction, out of his own estate, to the public."

The Parliament's Nineteen Propositions to the King] This day, a Petition, with 19 Propositions annexed, was agreed on by both houses to be sent to their Committee at York, to be by them presented to the king, as a foundation for a final end of all differences between them. All which ran in hac verba:

The HUMBLE PETITION and ADVICE of both Houses of PARLIAMENT, with Nineteen Propositions sent unto his MAJESTY, the 3rd of June, 1642.

"Your majesty's most humble and faithful subjects, the lords and commons in parliament, having nothing in their thoughts and desires more precious and of higher esteem (next to the honour and immediate service of God) than the just and faithful performance of their duty to your maj. and this kingdom; and being very sensible of the great distractions and distempers, and of the imminent dangers and calamities which those distractions and distempers are like to bring upon your maj. and your subjects All which have proceeded from the subtle insinuations, mischievous practices, and evil counsels of men disaffected to God's true religion, your majesty's honour and safety, and the public peace and prosperity of your people, after a serious observation of the causes of those mischefs, do, in all humility and sincerity, present to your maj. their most dutiful Petition and Advice, that out of your princely wisdom, for the establishing your own honour and safety, and gracious tenderness of the welfare and security of your subjects and dominions, you will be pleased to grant and accept these their humble desires and propositions, as the most necessary and effectual means, through God's blessing, of removing those jealousies and differences which have unhappily fallen betwixt you and your people, and procuring both your majesty and them a constant course of honour, peace, and happiness

1 "That the lords and others of your majesty's privy council, and such great officers and ministers of state, either at home or beyond the seas, may be put from your privy council, and from those offices and employments, excepting such as shall be approved of by both houses of parliament; and that the persons put into places and employments of those that are removed, may be approved of by both houses of parliament; and that all privy counsellors shall take an oath for the due

execution of their places, in such form as shall be agreed upon by both houses of parliament 2. That the great affairs of the kingdom may not be concluded or transacted by the advice of private men, or by any unknown or unsworn counsellors, but that such matters as concern the public, and are proper for the high court of parliament, which is your majesty's great and supreme council, may be debated, resolved, and transacted only in parliament, and not elsewhere, and such as shall presume to do any thing to the contrary, shall be reserved to the censure and judgment of parliament: and such other matters of state as are proper for your majesty's privy council, shall be debated and concluded by such of the nobility and others as shall, from time to time, be chosen for that place, by approbation of both houses of parliament. That no public act concerning the affairs of the kingdom, which are proper for your privy council, may be esteemed of any validity, as proceeding from the royal authority, unless it be done by the advice and consent of the major part of your council, attested under their hands: and that your council may be limited to a certain number, not exceeding 25, nor under 15, and if any counsellor's place happen to be void in the intervals of parliament, it shall not be supplied without the assent of the major part of the council, which choice shall be confirmed at the next sitting of the parliament, or else to be void. 3. That the lord high steward of England, lord high constable, lord chancellor or lord keeper of the great seal, lord treasurer, lord privy seal, the earl marshal, lord admiral, warden of the Cinque-Ports, chief governor of Ireland, chancellor of the exchequer, master of the wards, secretaries of state, two chief justices and chief baron, may be always chosen with the approbation of both houses of parliament; and, in the intervals of parliament, by assent of the major part of the council, in such manner as is before expressed in the choice of counsellors. 4 That he, or they, unto whom the government and education of the king's children shall be committed, shall be approved of by both houses of parliament, and, in the intervals of parliament, by the assent of the major part of the council, in such manner as is before expressed in the choice of counsellors: and that all such servants as are now about them, against whom both houses shall have any just exception, shall be removed. 5. That no Marriage shall be concluded or treated, for any of the king's children with any foreign prince, or other person whatsoever abroad, or at home, without the consent of parliament; under the penalty of a premunire unto such, as shall so conclude or treat any marriage as aforesaid. And that the said penalty shall not be pardoned or dispensed with, but by the consent of both houses of parliament. 6. That the laws in force against Jesuits, Priests, and Popish Recusants, be strictly put in execution, without any toleration or dispensation to the contrary; and that some other effectual course may be enacted, by authority of parliament, to disable them from making any disturbance in the state, or eluding the law by trusts, or otherwise. 7 That the Votes of Popish lords in the house of peers may be taken away, so long as they continue Papists; and that his majesty would consent to such a bill as shall be drawn, for the education of the children of Papists by Protestants in the protestant religion. 8 That your majesty will be pleased to consent, That such a Reformation may be made of the church-government and Liturgy, as both houses of parliament shall advise, wherein they intend to have consultations with the nines, as is expressed in the Declaration to that purpose, and that your maj. will contribute your best assistance to them for the raising of a sufficient maintenance for preaching ministers throughout the kingdom: and that your maj. will be pleased to give your consent to laws for the taking away of innovations and superstition, and of pluralities, and against scandalous ministers. 9 That your majesty will be pleased to rest satisfied with that course that the lords and commons have appointed for ordering the Militia, until the same shall be further settled by a Bill, and that you will recall your Declarations and Proclamations against the Ordinance made by the lords and commons concerning it. 10. That such members of either house of parliament as have, during this present parliament, been put out of any place and office, may either be restored to that place and office, or otherwise have satisfaction for the same, upon the petition of that house where of he or they are members. 11 That all privy counsellors and judges may take an Oath, the form whereof to be agreed on, and settled by act of parliament, for the maintenance of the Protestant Religion, and of certain statutes made by the parliament, which shall be mentioned by both houses of parliament: and that an inquiry of all the breaches and violations of those Laws may be given in charge, by the justices of the King's-bench, every term, and by the judges of assize in their Circuits, and Justices of Peace at the Sessions, to be presented and punished according to law. 12 That all the Judges and all officers, placed by approbation of both houses of parliament, may hold their places, Quamdiu bene se gesserint. 13 That the justice of parliament may pass upon all delinquents, whether they be within the kingdom, or fled out of it: and that all persons cited by either house of parliament, may appear and abide the censure of parliament. 14. That the General Pardon, offered by your majesty, may be granted with such exceptions as shall be advised by both houses of parliament. 15. That the Forts and Castles of this kingdom may be put under the command and custody of such persons, as your majesty shall appoint, with the approbation of your parliament, and in the intervals of parliament, with the approbation of the major part of the council, in such manner as is before expressed

of the choice of counsellers. 16. That the extraordinary Guards, and Military forces, now attending your majesty, may be removed and discharged, and that for the future, you will raise no such guards, or extraordinary forces, but according to the law, in case of actual rebellion or invasion. 17 That your majesty will be pleased to enter into a more strict alliance with the States of the United Provinces, and other neighbouring princes and states of the Protestant Religion, for the defence and maintenance thereof against all designs and attempts of the Pope and his adherents to subvert and suppress it; whereby your majesty will obtain a great access of strength and reputation, and your subjects be much encouraged and enabled in a parliamentary way, for your aid and assistance, in restoring your royal sister and her princely issue to those dignities and dominions which belong unto them, and relieving the other distressed Protestant princes who have suffered in the same cause. 18. That your majesty will be pleased, by act of parliament, to clear the lord Kimbolton and the 5 Members of the house of commons, in such manner that future parliaments may be secured from the consequence of that evil precedent. 19. That your majesty will be graciously pleased to pass a Bill, 'For restraining Peers made hereafter from sitting or voting in parliament,' unless they be admitted thereunto with the consent of both houses of parliament."

"And these our humble desires being granted by your majesty, we shall forthwith apply ourselves to regulate your present Revenue, in such sort as may be for your best advantage; and likewise to settle such an ordinary and constant increase of it as shall be sufficient to support you royal dignity in honour and plenty, beyond the proportion of any former grants of the subjects of this kingdom to your majesty's royal predecessors We shall likewise put the town of Hull into such hands as your majesty shall appoint, with the consent and approbation of parliament, and deliver up a just account of all the Magazine; and chearfully employ the uttermost of our power and endeavour, in the real expression and performance of our most dutiful and loyal affections, for preserving and maintaining the royal honour, greatness, and safety of your majesty and of your posterity."

The Commons order their Members to be summoned.] June 2. The commons ordered all their members to be summoned to appear in the house by the 16th under a penalty of 100*l.* for each absenter, to be employed in the wars of Ireland. Their committee at York were also required to order all the members who were there without leave of the house, to return to their duty in parliament, and to declare to them that their going away at this time, and continuance at York, is a great affront to the house, and a countenancing of the war intended against the parliament.

June 3 The committee sent into the city to [illegible] borrow Money, for the service of Ireland, reported, That the citizens expressed great chearfulness and forwardness to further the Supply, and had promised to raise 100,000*l.* with all speed

The earls of Northumberland and Pembroke exhibited Letters from the king, commanding their attendance on him at York, which the lords thought proper to forbid, and ordered them the thanks of the house for their respect in this matter. A Declaration was also ordered to be drawn up, setting forth the evil tendency of the king's sending for several of the lords to York, with the ill consequences and dangers thereof

This day the lords read, a third time, a bill, 'For the calling an assembly of learned Divines, to be consulted with by parliament, for the settling the government and liturgy of the church, and for the vindicating and clearing the doctrine of the Church of England from false aspersions and interpretations' On the question, resolved, That the bill do pass.

The Parliament borrow 100,000l. from the Citizens of London.] June 4. An Ordinance of parliament, as a security to several companies and citizens of the city of London, for their late loan of 100,000*l.* at 8 per cent. was agreed to by the lords; which has the preamble "Whereas, amongst many other great and inexpressible blessings of Almighty God upon this parliament, it hath pleased him to stir up the hearts of many good and well-affected people, to yield their willing and ready help and assistance to the supply of the great and pressing necessities of this kingdom and the kingdom of Ireland; in which pious and charitable work the citizens of London, by their singular forwardness and good affection, have been exemplary to all other parts of this kingdom; and, in times of great exigence and necessity, have lent and advanced great Sums to the public use; and, as well by their purses and persons as other memorable services, contributed their effectual help to the parliament, for the support of this state and kingdom from apparent danger and destruction and whereas the said citizens, in further manifestation of their constant fidelity and true affection to the public, have now again been moved to lend, &c."

Order for exercising the Militia.] To preserve the peace of the kingdom, the following Ordinance of parliament was this day agreed to, by which may be understood the Resolutions of both houses at this time.

"It is this day ordered by the lords and commons in parliament, That the deputy-lieutenants of the several and respective counties, within the kingdom of England and dominion of Wales, that are not members of the house of commons, be hereby required and enjoined to be present at the days and places which are or shall hereafter be appointed by the lord-lieutenants, or their deputies, for the training, mustering, and exercising of the inhabitants [illegible] Thurs

the said counti … given unto them … nces of parlia… that all dep… that are in … nous as others, … paring of Warra… rs, and subscribing … ice shall require and … ch as … , or neglect so to do, … their names … rtified unto us by their fellow-depu… or any one of them, that shall or du… the said service.—And it further … That it is the intention of both … for the better encouragement of so … work, so much conducing to the safety … majesty's person and kingdoms, that … of their members at the times and places … ed, or to be appointed, for the execu… of the said Ordinance, shall be sent down … give their personal attendance upon the said service."

The King's Answer to the Parliament's Remonstrance of the 26th of May.] About this time the king publi… his Answer t… the parliament's Remonstrance of the 26th of May last, which was as follows.

"Though whosoever looks over the late Remonstrance, entituled, 'A Declaration of the Lords and Commons of the 26th of May,' will not think we have much reason to be pleased with it; yet we cannot but commend the plain dealing and ingenuity of the framers and contrivers of that Declaration, (which hath been wrought in a hotter and quicker forge than any of the rest) who would no longer suffer us to be affronted, by being told, 'They would make us a great and glorious king,' whilst they used all possible skill to reduce us to extreme want and indigency, and that 'They would make us to be loved at home, and feared abroad,' whilst they endeavoured, by all possible ways to render us odious to our subjects, and contemptible and ridiculous to foreign princes, but like and dealing men, tell us in plain English, 'That they have done us no wrong, because we are not capable of receiving any;' and That they have taken nothing from us, because we had never any thing but our own to lose.' If this be time be true, and that indeed we ought to be of no other … we declare it than they have informed our people in this Declaration, this gentleman is much more excusable, that said publicly and unreproved, 'That the happiness of this kingdom doth not depend on us, or upon any of the royal branches of that root,' and the other, who said, 'we were not worthy to be king of England' language very monstrous to be allowed by either house of parliament, and of which, by the help of God and the law, we will have some examination. But we doubt not, all or good … do now plainly discern, through the mask and vizard of their hypocrisy, what their design is; and will no more look upon the framers and contrivers of that Declaration as both houses of parliament, (whose freedom and just pri… will … hose are as … f) action … ous P… as· been, … of … both, both … and … own … trary pow… ; of … and of w… shall, … by short time, gave … sub… the world, a full, and … a hope, a … Narrative.—The … had … purpose of that Declaration (of whom we would be only understood to speak, when we mention any of their unlawful acts against us) tell you, 'That the great affairs of this kingdom, and the miserable and bleeding condition of the kingdom of Ireland, will afford them little leisure to spend their time in Declarations, Answers, and Replies' Indeed the miserable and deplorable condition of both kingdoms would require somewhat else at their hands: but we would gladly know how they have spent their time since their recess, (now almost 8 months) but in Declaration Remonstrances, and Invectives against us and our government, or in preparing matter for them Have we invited them to any such expence of time, by beginning arguments of that nature? Their leisure, or their inclination, is not as they pretend: and what is their printing and publishing their Petitions to us, their Declarations and Remonstrances of us, their odious Votes and Resolutions, sometimes of one, and sometimes of both houses, against us (never in this manner communicated before this parliament but an Appeal to the People? And in God's name, let them judge of the persons they have trusted.—Their first quarrel is as it is always, to let them into their frank expressions of us and our actions) against the Malignant Party, whom they are pleased still to call, and never prove to be, our evil counsellors; but, indeed, nothing is more evident by their whole proceedings, than that by the Malignant Party they intend all the members of both houses, who agree not with them in their opinion, (hence have come their distinction of 'good' and 'bad' lords, of persons 'ill affected' in the house of commons, who have been proscribed, and their names listed and … mit to … and all the persons of the kingdom, who approve not … of their … so that it, in truth, they would be ingenuous, and name the persons they intend, Who would be the men, upon whom that imputation of Malignancy would be cast, but they who have stood stoutly and immutably for the Religion, the Liberties, the Laws, and public interests, so long as there was any to be stood for, they, who have always been, and are zealous Professors, and, some of them, as able and earnest Defenders of the Protestant doctrine against the Church of Rome, as any are; who have often and earnestly besought us to consent, 'That no indifferent and unnecessary Ceremony might be pressed upon weak and tender consciences;' and, 'That we would agree to a bill

for that purpose ' they, to whose wisdom, courage, and counsel the kingdom oweth as much as it can to subjects, and upon whose unblemished lives and himself can lay no imputation, nor endeavours to his many and rare virtues [illegible] ' and dignities and favour? Let the Commons in this Declaration be faithful to themselves and to their fellow persons of both Houses whom they serve in their own consequence, [illegible] them in the Manner and Language [illegible] Duration, and mull these words and actions [illegible] come him and call them to mind in his now fortune, wisdom, reputation, and might (if not in number) much superior to him? So much for the evil Counsellors [illegible] Now, what is the evil Counsel [illegible]? O cursing time London (whereof, and many whose affections to us are very eminent, we do in the extent day to be tenderly sensible) [illegible] and all such who [illegible] protection, [illegible] loyalty and affection to this good people very securely our not submitting myself absolutely (and renouncing our own interest) unto the Votes and Resolutions of the contrivers of that Declaration, which they tell us, ' I [illegible] above us, and may (by our own [illegible] do with us what they please,' and our not being contented, that all our good subjects lives and fortunes shall be disposed of by their Votes, but by the known laws of the land: this is the ' evil counsel given us. And can any man ill men behind their needs much [illegible] and skill of the Malignant Party to intimate this counsel into us? And upon [illegible] the contrivers of that Declaration make for themselves ' [illegible] men whom we have no reason [illegible] so great a share in the [illegible] pains in the procuring thereof, and spend so much time, and run so many hazards to make themselves slaves, and to ruin the freedom of this nation?' We say, with a clear and upright conscience to God Almighty, ' Whosoever harbours the least thought in his breast of ruining or violating the public Liberty or Religion of this kingdom, or the just Freedom and Privilege of Parliament, let him be accursed, and he shall be no counsellor of ours that will not say, Amen ' For the contrivers of that Declaration, we have not said any thing which might imply any inclination in them to be Slaves that which we have charged them with, as ' invading the public liberty,' and our presumption may be very strong and vehement, that (though they have no mind to be Slaves) they are not unwilling to be Tyrants what is Tyranny, but to admit no rule to govern by but their own wills? And we know the misery of Athens was at the highest, when it suffered under the thirty Tyrants.—If that Declaration had told us (as indeed it might, and as, in justice, it ought to have done) that the Precedents of any of our Ancestors did fall short and much below what hath been done by us, this parliament, in point of grace and favour to our people, we should no otherwise have wondered at it, than at such a truth, in such a place but when to justify their having done more than ever their predecessors did, it tells our good subjects in a most injurious, most insolently it is [illegible] ' That the highest and most unwarrantable precedents of any of our predecessors do fall short, and much below what hath been done to them this parliament by us,' we must confess in such a mind, and not able to understand it in [illegible] and we must tell those ungrateful men (who do tell them king ' That they may, without any undue severity, depose him') that the condition of our subjects, when (by whatsoever accidents and conjunctures of time) it is set at the worst, under our power, (unto which, by no different arts, they shall be ever more reluctant than by many degrees, more pleasant and happy, than that to which their various practices of Reformation hath brought them in the time and shroud of the highest precedents of olden parliaments, which these men both (our good subjects will call it worse) tell us, ' They might and must want of modesty and duty, make their patterns.' If we had no other security against those precedents, but their modesty and duty, we were in a miserable condition, as all persons will be who depend upon them That Declaration will not allow our inference, ' That, by avowing the act of sir John Hotham, they do destroy the title and interest of all our subjects to their lands and goods,' but confesseth, ' if they were found guilty of that charge, it were indeed a very great crime' And do they not, in this Declaration, admit themselves guilty of this very crime? Do they not say, ' Who doubts but that a parliament may dispose of any thing, whereof one or our subjects have a right, in such a way as that the kingdom may not be in danger thereby?' Do they not then call themselves this parliament' and challenge this power without our consent? Do they not extend this power to all cases, where the necessity or the common good of the kingdom is concerned? And do they not arrogate unto themselves alone the judgment of this danger, this necessity, this common good of the kingdom? Wherein, if this be not, to unsettle the security of all men's estates, and to expose them to an arbitrary power of their own? If a Faction shall at any time, by cunning or force, absence or accident, prevail over a major part of both houses; and pretend that they are evil counsellors, a Malignant Party about the king, by whom the liberty and religion of the kingdom are both in danger, (this they may do; they have done it) then they may take away, be it from the king or people, whatsoever they, in their Judgment, shall think fit · this is lawful; they have ' declared' it so. Let the world judge, whether we charge them unjustly, and whether they are not guilty of the crime, which themselves confess, being proved, is a great one; and how safely we might commit the power these people desire into their hands, who, in all probability, would be no sooner

[illegible] and the [illegible] [illegible] [illegible]

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otion, procured much reverence and esti-
mation with the people; after, finding fe-
w persons they had ensnared with their
y, they began to propose to themselves
reform both the ecclesiastical and civil go-
ment of the state; then, because possibly
might meet with some opposition, they
tly entered into a league of association;
shortly after, finding the power they had
with the credulous people, enriched
mselves with all kind of pol and pillage,
and justified it upon our Saviour's promise,
'The Meek shall inherit the earth;' and de-
clared their title was the same which the right-
teous Israelites had unto the goods of the
wicked Egyptians this story is worth the
reading at large, and needs no application.—
But we must by no means say 'That we have
the same title to our town of Hull, and the
ammunition there, as any of our subjects have
to their lands or money;' that is 'a principle
that pulls up the foundation of the liberty and
property of every subject.' Why, pray? 'Be-
cause the king's property in his towns, and in
his goods, bought with the public money' (as
they conceive our magazine at Hull was) 'is
inconsistent with the subject property in their
lands, goods, and liberty.' do these men think,
that as they assume a power of declaring law,
and whatsoever contradicts that Declaration
breaks their Privileges; so that they have a
power of declaring sense and reason, and im-
posing logic and syllogisms on the schools, as
well as law upon the people? Doth not all
mankind know, that several men may have
several rights and interests in the self same
house and land, and yet neither destroy the
other? Is not the interest of the lord Paramount
consistent with that of the Mesne lord, and his
with that of the tenant, and yet their proper-
ties and interests not at all confounded? and
why may not we then have a 'full lawful inte-
rest and property in our town of Hull, and yet
our subjects have a property in their houses
too? But we 'cannot sell or give away, at our
pleasure, our towns and forts, as a private
man may do his land or goods.' What then?
Many men have no authority to let or set their
leases, or sell their land; have they therefore
no title to them, or interest in them? May
they be taken from them, because they cannot
sell them? The purpose of our journey to Hull
was neither to sell it, or give it away.—But for
the Magazine and the munition there, 'That
we bought with our own money, we might
surely have sold that, lent, or given it away.'
No; 'we bought it with the public money;'
and the proof is, 'They conceive it so,' and
upon this conceit have voted, That it shall be
taken from us. Excellent justice! Suppose
we had kept this money by us, and not bought

[illegible]

[illegible]

[illegible]

were [illegible] inverted to alter the government of church and state, and to make themselves perpetual dictators over the king and people? Did they mean that the law itself should be subject to their votes, and that whatsoever they should vote, should be lawful because they declared it? The Oaths which they have taken who sent their writ with [illegible] of taking which they [illegible] of their place in parliament [illegible] incompatible of giving, and the [illegible] receiving such trust, unless they perform [illegible] services. That we are the [illegible] and governors in all causes, [illegible] within our dominions, [illegible] overseers to command [illegible], and govern our people [illegible] — The contrary [illegible] tell us, That they will interpret [illegible] as it shall be and shall express my to be judge of the law, that belongs only to them; they may and must judge and declare.' We all know what power the Pope, under the pretence of interpreting Scriptures, and declaring articles of faith (though he declines the making the one or the other) hath usurped over men's consciences, and that, under colour of having power of ordering all things for the good of men's souls, he intitles himself to all the kingdoms in the world. We will not accuse the framers of this Declaration (how bold soever they are with us) that they incline to Popery, of which another maxim is, 'That we must submit our reason and understanding, and the Scripture itself, to that declaring power of his.' Neither will we tell them, though they have told us so, that they use the very language of the rebels of Ireland and yet they say those rebels declare, 'That whatsoever they do, is for the good of the king and kingdom.' But our good subjects will easily put the case to themselves, Whether, if the Papists in Ireland in truth were, or by act or accident had made themselves the major part of both houses of parliament there, and had pretended the trust (in that Declaration) from the kingdom of Ireland, and thereupon had voted their religion and liberty to be in danger of extirpation from a Malignant party of Protestants and Puritans, and therefore that they should put themselves into a posture of defence; that the forts and Militia of that kingdom were to be put into the hands of such persons as they could confide in 'that were indeed trusted' with the towns, forts, magazines, treasures, offices, and people of the kingdom, for the good, and safety, and best advantage thereof, but as this trust is for the use of the kingdom, so it ought to be managed by the advice of both houses of parliament, whom the kingdom had 'trusted' for that purpose; it being their duty to see it discharged according to the condition and true intent thereof, and by all possible means to prevent the contrary. We say, let all our good subjects consider, if that Rebellion had been plotted with this formality, and those circumstances declared to be legal, (at least, according to the equitable sense of the law) and to be for the public good, and justifiable by necessity; of which they were the [illegible] judges) whether, though they might have thought their design the more cunning, they would believe it the more justifiable? Nay, if the framers of this Declaration ask themselves, If the evil counsellors, the Malignant Party, the persons disaffected, the Popish lords, and their adherents should prove more, or but equal to be a major part of both houses, (for it has been declared a great part of both have been such, and so might have been to the greater) nay, that the greater part of the house of peers is such, and we have not heard of any of their conversions and thereupon it hath been earnestly pressed, That the minor part of the lords might join with the major part of the house of commons were we bound to consent to all such alterations as those men should propose to us, and resolve to be for the public good, and miss the liberty, property, and security of our subjects depend on what such votes should declare to be law? Was the Ordinance of the Militia unjust and unlawful, whilst the major part of the lords refused to join to it (as they did two, if not three, several times; and it was never heard before this parliament that they should be so, and so often, pressed into a dissent declined and did it grow immediately necessary for the public safety, and lawful by the law of the land, as soon as so many of the dissenting peers were driven away, (the their names had been required at the bar, contrary to the freedom and humanity of parliaments) that the other opinion prevailed? Hath the life and liberty of the subject depend upon such accidents of days and hours, that it is impossible for him to know his right in either; God forbid! But now, to justify their Invasion of our antient, unquestioned, undoubted Right, settled and established on us and our posterity by God himself, confirmed and strengthened by all possible titles of compacts, laws, oaths, perpetual and uncontradicted custom by our people; what have they alledged 'to declare to the kingdom' as they say) 'the obligation that lyeth upon the king of the realm to pass all such bills, as are offered unto them by both houses of parliament?' (a thing never heard of till this day) an Oath (authority enough for them to break all theirs) that is, or ought to be, taken by the kings of this realm, which is, as well to remedy by law such inconveniences the kingdom may suffer, as to keep and protect the laws already in being and the form of this Oath (they say) appears upon a record there cited, and by a clause in the preamble of a statute made in the 25th year of king Edw. 3. We are not enough acquainted with Records to know, whether that be fully and ingenuously cited, and when, and how, and why the several clauses have been inserted, or taken out of, the Oaths formerly administered to the kings of this realm, yet we cannot possibly imagine the assertion, that Declaration makes, can be deduced from the words, or the matter of that Oath, for, unless they have a power of

[illegible] with the Universities of [illegible] Parliament [illegible]

declaring Latin as well as law, surely *elegerit* signifieth, 'hath chosen' as well as, 'will chuse,' and that it signifieth so here (besides the authority of the perpetual practice of succeeding ages, a better interpreter than their Votes) is evident by the reference it hath to customs, [illegible] and [illegible] that be a Custom which the people should chuse after this Oath taken, and should not rather be sworn to defend such customs? Besides, can it be imagined that he should be bound by oath to pass such laws (and such a law is the bill they brought to us of the militia) and put the power, wherewith he is trusted, out of himself into the hands of other men, and so divest and disable himself from all possible power to perform the great business of the next which is to protect them? For protect by all our power, or it is to no purpose, to endeavour to protect my subjects from [illegible] be, for example, to [illegible] which our good subjects, which God and the law hath committed to our charge, shall be worried and spoiled; to say, 'I cannot defend others but myself,' is to [illegible] duty for us, which is certainly as much as [illegible] own. But, that all [illegible] see how unfitting these are to assume this trust from the [illegible] to surrender their trust, we shall be content to [illegible] further [illegible] which we shall [illegible] and which the [illegible] nation might as well have made use of in the Latin Record they have drawn out of our good subjects' [illegible] and many other [illegible] and [illegible] Oath [illegible] to at our Coronation, [illegible] [illegible] by the customs and [illegible] predecessors, and the [illegible] and [illegible] it, as they may find it in the Records of the Exchequer: this it is,

"The sermon being done, the archbishop goeth to the king, and [illegible] unto him to take the Oath usually taken by his predecessors. The king sheweth himself willing, ariseth and goeth to the altar, the archbishop administreth these Questions, and the king answereth them severally. *Episcopus.* Sir, will you grant and keep, and, by your Oath, confirm to the people of England, the laws and customs to them granted by the kings of England, your lawful and religious predecessors, and namely, the laws, customs, and franchises granted to the clergy, by the glorious king St. Edward your predecessor, according to the laws of God, the true profession of the Gospel established in this kingdom, and agreeable to the prerogative of the kings thereof, and the ancient customs of this realm? *Rex.* I grant, and promise to keep them.—*Episcopus.* Sir, will you keep peace and godly agreement entirely, according to your power, both to God, the holy church, the clergy, and the people? *Rex.* I will keep it.—*Episcopus.* Sir, will you, to your power, cause law, justice, and discretion, in mercy and truth, to be executed in all your judgments? *Rex.* I will.—[illegible] *Episcopus.* Sir, will you grant to hold and keep the laws and rightful customs which the commonalty of this your kingdom have; and will you defend and uphold them to the honour of God, so much as in you lieth? *Rex.* I grant, and promise so to do.—Then one of the bishops [illegible] the people, with a loud voice: 'Our lord and king, we beseech you to pardon, and to grant, and in presence unto us, and to the churches committed to our charge, all canonical privileges, and due law and justice, and that you would protect and defend us, as every good king in his kingdom ought to be protector and defender of the bishops, and the churches under their government.' The king answereth, 'With a willing and devout heart I perform and grant unto you pardon, and that I will preserve and maintain to you, and the churches committed to your charge, all canonical privileges, and due law and justice, and that I will be your protector and defender, to my power, by the assistance of God, as every good king in his kingdom, in right ought to protect and defend the bishops and churches under their government.' Then the king ariseth, and is led to the Communion Table, where he makes [illegible] Oath, in sight of all the people, to [illegible] promises, and laying his hand upon the book, saith, 'The things which I have promised, I shall perform and keep. So help me God and the contents of this book.'

"Now let all the world judge whether such questions, or such an oath, as these are set forth by the bishops, or the [illegible] from this Oath—are the proper [illegible] statute they are, that tells us, 'That the king should rule by law, the nobility and [illegible] such happen to his people?' He is so. But is the king bound by the preamble of that statute, to refer [illegible] parliament, or even under writing, unto [illegible] scholars, about the [illegible] How far to the [illegible] obliges him [illegible] and must [illegible] parliament, [illegible] Did any [illegible] seth to be a question? Will not questions rather [illegible] can take upon them to [illegible] their [illegible] but by law, for [illegible] of [illegible] [illegible] they [illegible] [illegible] to remedy?—But we are bound in justice to consent to their Proposal, because there is a trust reposed in us to preserve the kingdom, by making new laws? We are glad there is so, then we are sure no new laws can be made without our consent, and that the gentleness of our Answer 'Le Roy s'avisera,' if it be an denial, is no [illegible] and that the matter is not [illegible] They will [illegible] yet a greater latitude of granting or denying, as we shall think fit in public acts of grace, as Pardons or the like grants of favour.' Why do they so? If these pardons and public acts of grace be for the public good, which they may vote they are) they will then be absolutely in their own disposal. But have they left us this power? They have sure at least shared it with us: how else have they got the power to pardon sergeant-

[illegible] [illegible] [illegible]

major-general [illegible], (a new officer of state, and a subject [illegible] no authority to send to speak with) and all other persons employed by them, and such as have employed themselves for them, not only for what they have done, but for what they shall do? If they have power to declare all treason to [illegible] which we would not pardon, and such actions to be treason, which need no pardon, the latitude they allow us, of granting or denying of pardons, is a jewel they may still be content to suffer us to wear in our crown, and never think themselves the more in danger.—All this considered, the contriver of that Message, (since they will afford him no better title) whom they are angry with, doth not conceive the people of this land to be so void of common sense, as to believe us (who have denied no one thing for the ease and benefit of them, which in justice or prudence could be asked, or in honour and conscience could be granted) to have cast off all care of our subjects good, and the framers and devisers of that Declaration (who have endeavoured to render us odious to our subjects, and them disloyal to us, by pretending such a trust from them) to have only taken it up: neither, we are confident, will they be satisfied, when they feel the misery and the burde is which the fury and the malice of those people will bring upon them, with being told that calamity proceeds from evil Counsellors, whom no body can name; from Plots and Conspiracies which no man can discover, and from Fears and Jealousies, which no man understands: and therefore that the consideration of it be left to the conscience, reason, affection, and loyalty of our good subjects, who do understand the government of this kingdom, we are well content.—Where will the folly and madness of these people end, who would have our people believe, 'That our absenting ourself from London, (where, with our safety we could not stay) and the continuing our Magazine at Hull, proceeds from the secret plots of the Papists here, and to advance the designs of the Papists in Ireland? But it is no wonder that they, who can believe sir J Hotham's shutting us out of Hull to be an act of affection and loyalty, will believe that the Papists or the Turks persuaded us to go thither.—And can any sober man think that Declaration to be the consent of either or both houses of parliament, unaltered either by fraud or force, which (after so many thanks and humble acknowledgment of our gracious favour in our Message of the 20th of January, so often and so unanimously presented unto us from both houses of parliament) tells us, 'That the Message at first was, and, as often as it hath been since mentioned by us, hath been a breach of privilege,' (of which they used not to be so negligent, as, in four months, not to complain, if such a breach had been) 'and that the way and method of proceeding should not be proposed to them;' as if we had only authority to call them together, none to tell them what they were to do, not so much as with reference to our own affairs: what their method hitherto, and whither it hath led them, and brought the kingdom, all men see, what ours would have been, if seasonably and timely applied, let all men judge: we will speak no more of it.—But see now what excellent instances of [illegible] power we [illegible] in us, in some abuse in the civil War.' 'Our going with us to the house of commons;' (so often urged, and so fully answered) 'their attending on us to Hampton-Court, and appearing in a warlike manner at Kingston upon Thames; our going to Hull, their drawing their swords at York, demanding 'Who would be for the king,' the declaring sir J Hotham traitor, before the Message sent to the parliament, the Propositions to the gentry in Yorkshire to assist us against him, before we had received an Answer from the parliament' all desperate instances of an inclination to Civil War! Examine them again. The Manner and Intent of our going to the house of commons, we set forth at large in our Answer to their Declaration of the 19th of May; let all men judge. Next, do these men themselves believe (to what purpose soever that rumour hath served their turns) that there was an appearance in warlike manner at Kingston upon Thames? Do they not know, that whensoever we have been at Hampton-Court, since our first coming to the crown, there was never a less appearance, or in a less warlike manner than at the time they mean. We shall say no more, but that our appearance, in a warlike manner at Kingston upon Thames, and theirs at Kingston upon Hull, is very different. What is meant by the 'drawing of swords at York, and demanding, Who would be for the king,' must be inquired at London, for we believe very few in York understand the meaning of it. For our going to Hull, (which they will by no means endure should be called a visit) whether it were not the way to prevent, rather than to make a Civil War, is very obvious. And the declaring sir J Hotham traitor, in the very act of his treason, will never be thought unseasonable, but by those who believe him to be a loving and loyal subject, no more than the endeavouring to make the gentlemen of this county sensible of that treason (which they are in an honourable and dutiful degree) before we received our Answer from both houses of parliament: for if they had been (as we expected they should have been) sensible of that intolerable injury, offered to us, might not we have had occasion to have used the affection of these gentlemen? Were we sure that sir J. Hotham, who had kept us out without their order, (we speak of a public order) would have let us in when they had bidden him? And if they had [illegible] such a sense of us, (as the case falls out to be) had we not more reason to make propositions to those gentlemen, whose readiness and affection was or our posterity, should never fail?—But this business of Hull sticks still with them, and finding our questions hard, they [illegible]

[illegible] intended [illegible] edit the [illegible] of [illegible] thus [illegible] [illegible] [illegible] [illegible] [illegible]

pleased to answer us by asking us other ques-
tio[illegible] no matter for the exceptions against
the earl of Newcastle, (which have been so
often urged as one of the principal grounds of
our Fears and Jealousies, and which drew
the question from us) they ask us, 'Why,
if we held it necessary that a governor
should be placed in Hull, sir J. Hotham should
be refused by us, and the earl of Newcastle
admitted?' We answer, Because we had a
better opinion of the earl of Newcastle, than
of sir J. Hotham, and did not intend to place
a governor over our towns, of whose trust we
had not sufficient assurance, but such a one
as should keep them for, and not against, us;
and if his going down were in a more private
way than sir J. Hotham's, it was because we
had not that authority to make use of it,
by levying and billeting soldiers, in a peaceable
time, upon our good subjects, as it seems sir
J. Hotham carried down with him. And the
imputation which is cast by the way upon that
earl, to make his reputation not so clear and
unsuspected as we conceived, and the world believes it
to be, and 'which, though it were no sufficient ground
enough for a judicial proceeding,' it is wonder
it was not) 'was yet ground enough of
suspicion,' must be the case of every subject
in England, (and we wish it went no higher) in
every the aspersion contrived by unknown
hands, upon unknown or unmaynable grounds
(which is the way practised to bring any virtuous and deserving men into obloquy) shall
receive the least credit or countenance in the
world.—They tell us their exception to those
gentlemen, who delivered their Petition to us
at York, was, 'That they presumed to take
upon them the style of all the gentry and inhabitants of that county,' whereas, they say,
'so many more, of as good quality as themselves, of that county, were of another opinion,
and have since, by their Petition to us, disavowed that act.' their information in that
point is no better than it useth to be; and
they will find, that neither the number or the
quality of those who have, or will disavow that
Petition, are as they imagine; though too
many weak persons are misled which they did,
and will every day more and more), by the
faction, skill, and industry of that true Malignant Party, of which we do, and have reason
to complain. 'They say,' 'They have received
no Petition of so strange a nature.' What nature? 'Contrary to the Vote of both houses,'
that is, They have received that Petition which
they had no mind to receive [illegible] we told
them, and we tell them again, and all our good
subjects will tell them, That they have received Petitions, with joy and approbation,
against the Votes of both those houses of their
predecessors, countenanced and established into Law
by the consent of us and our ancestors, and
allowed those Petitions to carry the style, and
to seem to carry the desires of cities, towns,
and counties, when of either city, town, or
county very few known or considerable persons have been privy to such petitions. Whereas, in truth, the Petitions delivered to us
(against which they except) carried not the
style of all, but some of the gentry and inhabitants, and implied no other consent, than
such as went visibly along with it.—But we
are all this while in a mistake, 'the Magazine
at Hull is not taken from us.' Who told you
so? They who assure you (and whom, without
breaking their privileges, you must believe)
that sir J. Hotham's shutting the gates against us,
and resisting our entrance with armed men,
though we thought it in obedience to us, was
indeed in obedience to us and our authority,
and for our service, and the service of the
kingdom. He was to let none in, but
such as came with our authority signified by
both houses of parliament, himself and they
had ordered it: and therefore he kept us out,
only us, or he, might stand for the directions. We know not whether the contrivers of
that Declaration meant that our good subjects
should so soon understand (though it was plain
enough to those understood the meaning of the
'King's authority signified by both houses of
parliament.' But are the world will now
easily determine what miserable case we had
by this time been, if it had enough as it is) if
we had consented to their Bill or to their Ordinance of the Militia, and given to those men
power to have raised the arms of the kingdom against us (for all common good) by our
own authority. Would they not, they have
kept us from Hull by this time, have threatened us from York, and pursued us out of the
kingdom in our own behalf? Nay, may not
this munition which is not taken from us be
employed against us? Not against our authority signified by both houses of parliament,
but only to kill those ill Counsellors, the Malignant Party, which is about us, and yet for
our good for the public good, they will declare it, and so no treason within the statute of
25 Edw. 3. which by their interpretation will
left us, (the King of England) absolutely unprovided for the guard of safety, than the
meanest subject of the kingdom, and every
subject of this land (for whose security that
law was made, that they may know their
duty, and not mistake upon the King's mind)
made a traitor, which these men [illegible] by
his use. But do they think that, [illegible] such an
interpretation, upon pretence of authority of
Both Houses of Parliament, which, without
doubt, the most have cause to [illegible] by their
treasonable purpose and [illegible] [illegible]
[illegible] but consider with any [illegible] and people, they will
find any credit with our good subject? and
that so excellent a law, made both for security
of King and people, shall be so eluded by an
interpretation to learn of lawyer in England
well, at this hour, we believe, set under his
hand, in twist, and [illegible] the authority of that
Declaration, which, we hope, shall bring no
thing but infamy upon the contrivers of it.—
Now to their Privileges. Though it be true,
they say, 'That their privileges do not extend
to treason, felony, or [illegible] of the peace, so
as to exempt the members from all manner of

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process shall try, yet it doth privilege them in the very method of their trial, the cause must first be brought before them, and their consent taken ere you can proceed.' Why then the whole privilege stands so far in the species, as in any their just most unquestioned, for no privilege whatsoever exempts them from all manner of process, and trial, if you first acquaint the house with it, and they give you leave to proceed by such process, or to that trial. But, by this rule, if a member of either house commit a murder you must by no means meddle with him, till you have acquainted that house of which he is a member and received their direction for your proceeding, assuring yourself he will not stir from that place where you left him, till you return with their consent. 'Should it be otherwise, it would be in the power of every private man, under pretence of murder, to take any man from his service in parliament, and so as many, one after another, as he pleaseth; and so consequently to make a parliament what he will and when he will.' If a member of either house shall take a purse at York, (he may as probably take a purse from a subject, as arms against his king) you must ride to London to know what to do; and he may ride with you and take a new purse every stage, and must not be apprehended, or declared a felon, till you have asked that house of which he is a member. For, should it be otherwise, it might be in every private man's power to accuse as many members as he would of taking purses, and so bring a parliament (and consequently all parliaments) to nothing. Would these men be believed? And yet they make no doubt, 'but every one who hath taken the Protestation, will defend this doctrine with his life and fortune.' Will not our subjects believe, that they have imposed a pretty Protestation upon them, and that they had a very good end in the doing it, it it obligeth them to such hazards, to such undertakings? Must they forget or neglect our person, honour, and estate, which, by that protestation they are bound to defend, and in some degree do understand; and must they only venture their lives and fortunes to justify Privileges they know not, or ever heard of before? or are they bound by that Protestation to believe, that the framers of that Declaration have power to extend their own Privileges as far as they think fit, and to contract our rights as much as they please; and that they are bound to believe them to either and to venture their lives and fortunes in that quarrel? From declaring how mean a person we are, and how much the kingdom hath been mistaken in the understanding of the statute of 25 Ed. 3. concerning Treason; and that all men need not fear levying war against us, so they have their Order to warrant them, they proceed, in the spirit of declaring, to certify our subjects to the misinkings, which near 150 years have been received, concerning the statute of 11 Hen. 7. c. 1 (a statute our good subjects will read with comfort) and tell them, 'That the serving of the king, for the time being, cannot be meant of Perkin Warbeck, or of any that should call himself king, but such a one as is allowed and received by the parliament in the behalf of the kingdom;' and are we not so allowed? However through a dark mist of words, and urging their 'old Privileges, (which we hope we have sufficiently answered, and will be every day more confirmed by the actions of our good subjects) they conclude, 'That those that shall guide themselves by the judgment of parliament (which they say is their will) ought, whatsoever happen, to be secure and free from all account and penalties, upon the ground and equity of that very statute.' How far their own chancellors may help them in the equity, we know not; but, by the help of God and that good law, we shall allow no such equity.—So then, here is the Doctrine of that Declaration, and these are the Positions of the Contrivers of it. 1. That they have an absolute Power of declaring the Law, and that whatsoever they declare to be so, ought not to be questioned by ourself, or any subject; so that all right and safety of us and our people must depend upon their pleasure. 2. That no Precedents can be limits to bound their Proceedings; so they may do what they please. 3. That a Parliament may dispose of any thing, wherein the king or subject hath a right, for the public good; that they, without the king, are this Parliament, and judge of this public good; and that our consent is not necessary; so the life and liberty of the subject, and all the good laws made for the security of them, may be disposed of and repealed by the major part of both houses, at any time present, and by any ways and means procured so to be; and we have no power to protect them. 4. That no member of either house ought to be troubled or meddled with for treason, felony, or any other crime, without the cause being first brought before them, that they may judge of the fact, and their leave obtained to proceed. 5. That the Sovereign Power resides in both houses of parliament, and that we have no negative voice: so then we ourself must be subject to their commands. 6. That the levying of Forces against the personal commands of the king, though accompanied with his presence, is not levying war against the king; but the levying war against his laws and authority, (which they have power to declare and signify) though not against his person, is levying war against the king; and that treason cannot be committed against his person, otherwise than as he is intrusted with the kingdom, and disobeying that trust; and that they have a power to judge whether he discharge this trust or no. 7. That if they should make the highest precedents of other parliaments their patterns, there would be no cause to complain of want of modesty or duty in them: That is, they may depose us when they will, and are not to be blamed for so doing.—And now, as if the mere publishing of their Resolutions would not only prevail with the people, but as

the instant destroy all spirit and courage in us to preserve our own rights and honour, they have since taken the boldness to assault us with certain Propositions, which they call 'the most necessary effectual means for removing those Jealousies and Differences between us and our people' that is, that we will be content to divest ourself of all our regal rights and dignities, be content with the title of a king, and suffer them, according to their discretion, to govern us and the kingdom, and to dispose of our children. How suitable and agreeable this doctrine and these demands are to the affection of our loving subjects, under whose trust these men pretend to say and do these monstrous things; and to design, not only the ruin of our person, but of monarchy itself (which we may justly say, is more than ever was offered to any of our predecessors times; for though the person of the king hath been sometimes unjustly deposed, yet the regal power was never, before this time, attacked at) we believe our good subjects will find some way to let them and the world know: and from this time such who have been misled by these ill counsels, to have any hand in the execution of the Militia, will see to what ends their service is designed; and therefore, if they shall presume hereafter to meddle in it, they must expect that we will immediately proceed against them as actual raisers of sedition, and as enemies to our Sovereign Power.—We have done: and shall now expect the worst actions these men have power to commit against us, worse words they cannot give us. And we doubt not but the major part of both houses of parliament, when they may come together with their honour and safety, (as well those who were surprized at the passing of it, and understood not the malice in it, and the confusion that must grow by it as believed, as those who were absent, or involved) will so far resent the indignity offered to us, the dishonour to themselves, and the mischief to the whole kingdom, by that Declaration, that they will speedily make the foul contrivers of it instances of their exemplary justice, and brand them and their doctrine with the marks of their perpetual scorn and indignation."

A sixth Letter from the Committee, with an Account of the King's Proceedings at York.] June 6. Both houses received intelligence from their Committee at York, concerning a prodigious meeting of gentlemen and freeholders, which had appeared, at his majesty's summons, on a Moor near that city, on the 3rd of this month. The particulars thereof, in a letter from lord Howard, one of the said committee, directed to the Speaker of the house of peers, was read in these words

"My lord; According to the commands of the houses, we presented your Petition and Propositions to the king, yesterday morning: he heard them read, and told us, 'He would take some time to consider of an Answer.' I doubt not but the house will expect some account from me of the great meeting yesterday, yet I believe that no man can fully satisfy to what it tended, or make any judgment thereon, or what sense the county had of it for, as nothing was offered to them by way of proposition, so nothing was said by them, only that divers times there was made a very great shout or noise. A printed Speech was there read, in divers places of the field, which some heard, but many thousands went away, save 5. They could give no account of the cause of their being called together.' The number was very great, thought to be about 40,000; the king came to the place with the prince, the duke of York, the Prince Elector, and most of the lords that are in town, the regiment of horse, Trained Bands, his majesty's guard of horse of this county, his own servants and the soldiers that are about the town; with whom he rode about the field, stayed a little, and then departed.—A Petition was offered to his majesty, by sir Thomas Fairfax, in the name of many inhabitants of this county, but it was not accepted. There were but few gentlemen at this meeting, excepting those who put themselves upon the king's guard, this Summons being intended, by his majesty, only for the ministers, freeholders, copyholders, and miners.—We continue to suffer still by the king's displeasure, for, when we were ready to take horse and accompany our countrymen, it pleased his majesty to send the earl of Newport to us with this message: 'That his majesty did command us that we should not go to the field, nor appear at all at this meeting.' To which we returned this Answer by the earl to his majesty, That we would obey his commands herein at this time, but that we protested, It was a very high breach of our liberty, as we were subjects and Yorkshiremen: That we humbly conceived we were under no restraint, at present, as prisoners, not having deserved any such affront or punishment, by any thing we had said or done: that there were divers parliament men there, (who, we were confident, had not done so good service to his majesty, to endeavouring the peace of the kingdom, as we had) who were not only admitted to this meeting, but had much respect from his majesty, while we suffered under these undeserved injuries: that though for the present we should forbear going, yet, if any thing should happen wherein our service should be required by our Instructions, we must and would be ready to come and perform it.' This Answer being sent accordingly, we resolved to stay at our lodgings, the place of the meeting being very near; and sent divers of our servants there, who we directed to give us particular notice of what passed, so that, if there had been occasion, we could presently have been upon the place, to have done any thing which had concerned our duties. We are informed that the earl of Newport hath, by his majesty's command, sent forth Warrants, that the Recusants arms, deposited in any part of this county, shall be brought to York, for his majesty's service. This being, as we conceive,

of some consequence, I thought it my duty to acquaint the house therewith, and shall ever remain, &c. EDW. HOWARD. York, June 4, 1642."

The King's Declaration to the Ministers, Freeholders, &c of York.] A conference was held this day, between the two houses on the subject of the foregoing letter, for the report of which was made to the lords, in the afternoon; whereon the commons presented their lordships a printed copy of the king's Declaration to the Ministers, Freeholders, Farmers, and substantial Copyholders, assembled by his majesty's special Summons at Heworth Moor, near York, on the third of this month; which was as follows:

"We would have you to be assured, that we never intended the least neglect unto you in any former Summons of the country; our love, as well as our protection, extending to all our subjects but as you are a great body, time and convenency must be observed in your assembling.—That you may know the general Reasons of our being here, you must understand, That when we found it neither safe nor honourable to expose our person to the tumultuous and licentious proceedings of many, (which to this day are unpunished) who did disorderly approach near our court at Whitehall, we trusted this part of our dominions chiefly to reside in; where, as most of the gentry already have, so we assure ourselves the rest of you will, give us clear testimony of your service and obedience; which we will never use otherwise than for the defence of the true orthodox religion, professed and settled in queen Elizabeth's time, and confirmed by the authority of the statutes of this realm; the defence of the laws and fundamental constitutions of this kingdom, as the justest measure and rule for our prerogative, and your liberties and rights; and, lastly, for the preservation of the peace of this kingdom.—As for our own zeal to the Protestant profession, we refer all the world to our daily exercise of it, and our Declarations concerning it, and to our execution of the laws against the Papists, so likewise we cannot but declare ourself most heartily sorry to find such Separatists and Schismatics, who presume, against the law, to foment new doctrines and disciplines to the disturbance of church and state.—For the law; it being the common inheritance of our people, we shall never inforce any prerogative of ours beyond it, but submit ourself to it; and give you, and all our subjects, the fullest latitude of it, both for the liberty of your persons, and the property of your estates. And for an inviolable confidence and assurance hereof, as we take God, the Searcher of all Hearts, to witness our real intention herein; so we shall no longer desire you to stand for the defence of our person, honour, and just prerogatives, than we shall maintain the laws of the land, the liberty of your persons, and the property of your goods.—And for the clear understanding of our resolutions to maintain peace, we may have the confidence and happiness to refer (against all Malignity whatsoever) to our former 16 years reign, (too long to dissemble our nature if, in all this time, we never caused the effusion of one drop of blood, it must needs be thought, that, in our riper judgment in government, we should never open such a sluice as might drown us and our posterity in them but we are sure to have no enemies, but in the defence of the true Protestant profession, the right of the established laws, and for the preservation of peace and certainly all such as those must be yours as well as our enemies.—And to the end that this present posture, wherein we meet, should not affright you with the distempers of the times, (the example of the two houses having made us prepare for a Guard to us and our childrens persons) we wish you to look into the composition and constitution of it; and you will find it so far from the face or fear of war, that it serves in secure you, as well as us, from it, in our chance as of the prime gentry, and of one regiment of our Trained Bands, which cannot be thought to oppress the county, being their own, nor our with themselves And we further assure you, we never intended to use foreigners or disaffected in religion; and, that you may fully assure yourselves of our sole dependency upon the love and service of our own people, to live and die with them, we have armed these our subjects; which had been most irrational, if we had ever intended to have used strangers And further, you may perceive that we do receive none, but such as stand clear in loyalty and religion, for which reason we have caused the Oaths of Allegiance and Supremacy to be given them. Likewise, to prevent any distempers at home, we have and shall put the Trained Bands of all this our kingdom, under the command of persons of honour, confidence, and affection to their country, strictly charging, upon their allegiance, no officer to accept any command in them, nor soldiers to obey any, save such as are authorized by us. And for the prevention of any innovated power over you, you shall have us here to govern you, and the soldiers to protect you in peace, and to relieve you against all oppressions; for that, as we have told you before, must arise from some great violation, (which we hope God will prevent) and not from this preparation of our subjects. Therefore let none of you be affrighted with vain fears; if such a war should follow, it follows the authors home to their own doors; and such, by the confidence of our person with you, we assure ourself you are not.—Here we had left you to your fidelity and duty, had not some malicious insolence, in our former meetings, sent forth a most presumptuous Summons, deceiving our people, and presuming upon our royal authority; and these present themselves as great defenders of religion, peace, and liberty; whereas they become infectious and contagious to the people, seducing them into vain fancies and delusions, as may appear by

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their warrants, which we could trace to some pulpits, as we are credibly informed: and you see it were just in us to punish these as authors of sedition, but that it would be too great a favour, for it would honour them with the title of Martyrdom, for God's Cause, as they vainly pretend: but you may now see from whence this spirit arises, that would make us to be in the act of desert for religion, and not persons in a distaste of the power, and ready to run in a subsidy — Thus here are all the foreign forces we have, if ever shall run in to help to the destruction of us, notwithstanding the vain hopes hitherto mentioned. So that you see it is high time that these flames were dispersed and driven in ayr, that we might be reputed in honour of interest, and thus enjoy the blessing of peace and happiness, the advancement whereof shall be our study and number, and therefore we shall, when you shall think it convenient time, cast you in the number of Trained Bands, and for your Ordnance will had been long since paid, but that the part of the Subsidies which we passed for that purpose, came to our hands and we shall not be wanting, in any thing that lieth in us, for the full satisfaction thereof: but shall make our grace and bounty to you answerable to your best fidelity and loyalty, as occasion shall be offered to us."

A Petition offered by Sir Tho. Fairfax, which the King refuses to accept.] Next was read a copy of the Petition of the county at York, which the king had refused to accept: viz.

To the King's Most Excellent Majesty; The humble Petitions of the Gentry, Ministers, Freeholders, and other inhabitants of the County of York

"Sheweth; That this particular county (most affectionate to your majesty's service) hath willingly, for 3 years last past, been the stage whereon the tragical miseries (which necessarily accompany war and armies) have been represented and acted; whereby the general wealth and plenty of this county is exhausted and brought very low; which weight of miseries are sensibly become much more heavy by reason of your majesty's distance in residence, and difference in councils, from your great council the parliament; begetting great distempers and distractions throughout the kingdom, and have evidently, amongst us, produced factions and divisions; drawing to these parts great numbers of discontented persons, who, it may too justly be feared, do affect the public ruin for their private advantage —All these evils are daily fomented, and grown more formidable, by your majesty's drawing together (as we conceive not according to law) many companies of the Trained Bands and others, both horse and foot, of this county; by your entertaining multitudes of commanders and cavaliers from other parts; by the daily resort of recusants, and persons disaffected in religion, to your majesty's court at York; and by the great preparation of arms and other warlike provisions. These beget in us fears of wars, to the great terror and amazement of us your majesty's peaceable subjects, and the great decay of all commerce and industrious courses for the wealth and prosperity of the county, especially of clothing, which is the main substasance of this county, and which is, since your majesty's residence with us, and the following distractions thereupon, suddenly obstructed; insomuch that many thousand families who are in, and have their livelihood by the trade of clothing, are at the point of utter undoing, which inevitably will prove to be of dangerous consequence, and will be the inlet to our approaching and unavoidable ruin, unless your may graciously please to give redress by removing the causes, which will remove these miserable effects. It is too true that very many, in these and other parts of the kingdom, do wholly withdraw themselves from their former commerce and dealing; and others, both merchants and chapmen, do now generally refuse to make payments for goods long since sold and delivered; alledging that others refuse to pay them for any other commodities formerly sold, till the fears and distractions of the land be settled. This, if not suddenly prevented, will forthwith overturn all such ways of advantage and comfort, as have formerly made this kingdom, and this county in particular, prosperous and happy —We do therefore, in all humility and duty, in the sense of our deplorable condition, beseech your maj. to pardon us if we importune your maj more than others; since we have endured, and are in hazard, more than any; and that, from these apprehensions, we only offer to your maj. our earnest petitions for redress and prevention of these evils, daily threatening danger to your maj. and destruction to us; which we conceive is impossible any other way to be effected than by your majesty's entertaining a right understanding betwixt yourself and parliament, by inclining your gracious ear and consent to such councils and Propositions as shall be tendered, by them to your may for the honour and greatness of your maj and posterity, and the good of the church and kingdom, by your majesty's declining all other councils whatsoever, and uniting of your confidence to your parliament. and that your maj. would in no way think fit to put us upon that rock of denying either the duty we owe to your majesty, or to your parliament and the whole kingdom, to which we are so deeply engaged by our Protestation; which your maj. to our knowledge, never dissented from nor declared against and that, whilst your maj expects our performance on our part there of, we may not, being equally engaged, impeach it all or in the least degree go against our duty in the other; which we stand resolved, by no means either of fear or favour, to be drawn to do —And we humbly intreat your maj. to take into consideration, That your parliament being the supreme judicatory of your kingdom, the very essence thereof must

of very necessity be destroyed, if their counsels and determinations be subjected to alteration or reversal by the counsels or opinions of any private person, how learned or judicious soever: and, seeing your maj. hath most graciously passed an act, That this parliament shall not be dissolved nor adjourned without consent of your maj. and both houses, we do humbly beseech your maj. to take into your gracious and prudent thoughts that nothing may be done tending thereunto; and that the lords and great officers, now called hither by your majesty's command, may speedily be returned to the high court of parliament, whereby it may be evident to the world, that your maj. intends not to decline the law so enacted: and that, since your maj. hath graciously declared your confidance in the affections of this county, your maj. would not think it fit an extraordinary Guard should be raised thereout; and the cavaliers, and others in that quality, still continued about your maj. as often most useful, and as if kept for some design, they not having, for ought we know, either interest in, or affections to, the public good; their language and behaviour speaking nothing but division and wars, and their advantage consisting in that which is most destructive to others.—And, lastly, That since your maj. hath called us this county to attend your maj. this day, your Petitioners do most humbly supplicate, That none, either cavaliers or others, who in truth have not present fortunes in this county, may be admitted into any meeting, this day concerning the public business thereof, nor hereafter be present at any vote or consultation, when any further meeting may be, to prepare and consider of some fit Answer to what your majesty shall propound: We humbly conceiving it neither just nor equal (but a thing to be protested against) that any whomsoever should be thrust upon us as men of this county, that are not, by their fortune and residence, any part of us.—And now your petitioners do most heartily pray, That the God of Heaven, in whose hands are the hearts of kings, would this day incline your majesty's heart seriously to consider the present and imminent miseries that this your kingdom lies under; in the peace whereof visibly, under God, consists the preservation of the Protestant religion, the redemption of our brethren in Ireland, and the establishing of that kingdom to your majesty and posterity from those desperate and unparalleled rebels.—Your majesty's graciously granting of these your petitioners humble desires, (whatsoever may be said to the contrary) they are well assured, will abundantly redound to the glory of God, the honour and safety of your maj. and the good of your posterity. These are the only probable means, under God, to restore peace and plenty, and to make this your kingdom happy, besides the happy acquisition of your people's hearts, the greatest treasure of princes: all these will, graciously, represent your majesty's lively portraiture to him who is the Fountain of wisdom and piety, to whom we shall ever pray for your majesty's long and prosperous reign."

Petition to the Parliament, on the King's Refusal of the former.] Then was sent another Petition from the Gentry, &c. of the same county to the parliament, on occasion of the King's refusing to receive the former: viz.

To the right hon. the Lords and Commons in the High Court of Parliament assembled. The Humble Petition of the Gentry, Ministers, Freeholders, and other Inhabitants of the County of York, assembled there, at his Majesty's Command, the 3rd of June 1642.

"We, being resolved humbly to petition his maj. for the Redress of those Grievances which we now lie under, did desire to have met in the Castle-yard at York; we conceiving it the fittest place to consider of such public affairs as concerned the county: this we were not only denied, but charge was given to the officer there, that we should not have admittance when we assembled upon the place appointed by his majesty, and did acquaint the county, then met, with a form of a Petition, (the sense whereof they formerly approved of; and then, upon the reading thereof, generally consented to, and desired the same should be presented to his majesty) we were violently interrupted by the earl of Lindsey, who with a great troop attending him, in an imperious way, snatched out of a gentleman's hand of good quality, a copy of the aforementioned Petition, which, at the desire of the county, he was reading to them: and said, 'You are a company of traiterous rogues and villains,' and often lifted up his cane as if he would have struck him. Also a knight of this county was affronted by the lord Saville, upon his reading to himself the draught of a Petition upon the place aforesaid, the day above. First, his lordship told him, 'It was a pamphlet,' which he denied; thereupon the lord Saville demanded it of him, which he refusing to deliver, his lordship laid hands upon his sword, and almost plucked him from his horse; and took the Petition from him, saying, 'That he was labouring to sow seeds of sedition; and, if he would fight, there would be fighting enough.' Many of the said lord Saville's company also held up their canes at him, and one of them said, 'Hold your prating, it were good to cane you.' This provocation, had not the people been peaceably inclined, might have produced bloody effects; notwithstanding all which, and divers other insufferable injuries, so confident were we of his majesty's former profession, 'Never to refuse any Petition presented by his people to him in an humble way,' that we desisted not to wait our best opportunity to present the said Petition to his majesty; a Copy whereof we here humbly present unto your grave considerations, which his maj. notwithstanding, pleased not to accept of.—We therefore humbly desire these hon. houses well to weigh these particulars, and to take such course

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therein, as may tend to the preservation of our liberties, and the peace of the kingdom; and that you would be pleased to address yourselves to his majesty on our behalf, that, through your wisdoms, our desire may find better acceptation with his majesty. And we shall heartily pray, &c."

Sir J. Bourchier's Letter on the same Occasion.] Lastly, was read a copy of a Letter sent from York, by sir John Bourchier to sir Tho. Barrington, a member of the house of commons.

"Dear cousin; Yesterday, being at Heiworth-Moor, seeing one reading something, I drew near to him, and by inquiry I found that it was a Petition, that was to be presented presently to his majesty; those that heard it read approved of it. Meeting with a friend, I inquired of him, if he had not the Petition, or a copy of it, which he told me, he had. I entreated him to lend it me, which accordingly he did having read part of it, my lord Saville came with a great company, in a furious manner, and demanded what I did there; and told me, 'That I was reading some Pamphlet to the people, and that I was labouring to sow some seeds of sedition to seduce the king's subjects;' whereupon I told him, 'It was a Petition that I was reading privately to myself, which, upon his approach, I had put in my pocket.' My lord Saville, in an imperious manner, demanded of me, to deliver it to him, which I refused, then his lordship laid his hand upon the belt of my sword, and almost pulled me off my horse; and forced me to deliver the Petition to him. His lordship told me, 'If we loved fighting we should have fighting enough.' I answered, 'I came not this day to labour for peace.' Before his lordship's departure, he told me, 'That he knew me well enough:' I answered his lordship, I hoped he knew no ill by me. Many that were with his lordship held up their canes, in a terrifying manner, and one of them said, 'Hold your prating, it were good to cane you:' and when his lordship and the rest were gone, one of them turned back, and bid me, 'be quiet, else I should be caned:' adding, 'That it were a good deed to put me in the stocks.' Afterwards, I being discoursing with sir Rd. Darley and some others, and telling them how I was affronted, even now, by my lord Saville; and formerly, having fire thrown into my coach, and some other affronts done unto me, which I have formerly told you of, one capt. Playse, who was one of my lord Saville's company, came up, and told me, 'I did ill to lay aspersions upon persons of honour;' whereupon I told him, 'I did not lay it upon my lord, but only that I was so abused and affronted.' Upon due consideration, I verily believe he came to make some quarrel. Sir, upon my parting from you, you desired to hear from me here, I thought good to let you know thus much concerning myself. I rest, Your affectionate cousin to serve you, JOHN BOURCHIER. York, June 4, 1642."

The Parliament resolve to support the Yorkshire Petitioners.] The lords having taken into their consideration all the foregoing particulars, ordered, That the earl of Lindsey, lord great chamberlain, and the lord Saville should be apprehended by the sheriff of Yorkshire, and be conveyed from sheriff to sheriff, to the house. These two lords were, at the same time, voted "Public Enemies of the State, and Incendiaries between the King and his People." The following Resolution was also agreed to by both houses. "The lords and commons, observing not only the wisdom, but the affections of the county of York, expressed in those Petitions, and likewise that they cannot be discouraged from their constant fidelity to the laws and government of this kingdom, which have their life and being from the parliament, have thought fit to declare their good acceptations of their affections, assuring them, That they will interest themselves in those their demands, which tend to the honour and safety of his majesty, and the peace of his kingdom; and may prove an effectual means to keep us from the desperate mischiefs, which those lords, that opposed this Petition, would have brought this kingdom unto."

The King's Proclamation forbidding Obedience to the Ordinance for the Militia.] The king having published, the latter end of last month, a Proclamation concerning the Militia, and the same having been communicated to the commons by their Committee at York, that house resolved to appoint another committee to prepare a Declaration in Answer thereto, to show how dangerously the Privileges of Parliament have been broken of late, even at this time, when the king professeth rule by law; and the dangerous consequences of these breaches. This Declaration, having gone through several alterations by the commons, was at length passed, and ordered to be sent up to the lords by Mr Pym. Their lordships having also agreed thereto, it was, by order of both houses, printed and published this day. But first we shall give the Proclamation itself; viz.

By the KING. A PROCLAMATION forbidding all his majesty's subjects, belonging to the Trained Bands of Militia of this kingdom, to rise, march, muster, or exercise, by virtue of any Order or Ordinance of one or both houses of Parliament, without consent or warrant from his majesty, upon pain of punishment according to the laws.

"Whereas, by the statute made in the 7th year of king Edw. I, 'the prelates, earls, barons and commonalty of the realm, affirmed in parl. That to the king it belongeth, and his part it is, by his royal sovereignty, straitly to defend wearing of armour, and all other force against the peace, at all times when it shall please him, and to punish them which shall do contrary according to the laws and usages of the realm; and hereunto all subjects are bound to aid the king as their sovereign lord, at all seasons when need shall be; and whereas we un-

derstand that, expressly contrary to the said statute, and other good laws of this our kingdom, under colour and pretext of an Ordinance of Parliament, without our consent, or any commission or warrant from us, the Trained Bands and Militia of this kingdom have been lately, and are now raised to be put in arms, and drawn into companies in a warlike manner, whereby the peace and quiet of our subjects is, or may be, disturbed: We therefore desirous, by all gracious and fair means, to prevent that scandal and danger which [illegible] our kingdom do run, by digressions from our good subjects in their duties declared by us and the laws of this our kingdom, which may endeavouring, by a general commotion and confusion, to hide their much-desired designs and intentions against the peace of this our kingdom, and, under a specious pretence of putting the Trained Bands into a posture, to draw all the engage our good subjects in a warlike opposition against us, as our town of Hull is already by the treason of sir J. Hotham, who, at his pretended to put a garrison into the same only for our security and service: we do therefore, by this our Proclamation, expressly charge and command all our sheriffs, and all constables, lieutenant-colonels, sergeant-majors, captains, officers, and soldiers belonging to the Trained Bands of this our kingdom, and likewise all high and petty constables, and other our officers and subjects whatsoever upon their allegiance, and as they tender the peace of this our kingdom, not to muster, levy, rise, or march, or to combine or warn, upon any Warrant, Order, or Ordinance, from one or both our houses of Parliament, (whereto we have not, or shall not give our express consent) any of our Trained Bands, or other forces, to rise muster, march, or exercise, without express warrant under our hand, or warrant from our sheriff of the county, grounded upon a particular writ to that purpose, under our great seal. And in case any of our Trained Bands shall rise, or gather together, contrary to this our command, we shall then call them in due time to a strict account, and proceed legally against them as violators of the laws, and disturbers of the peace of the kingdom. Given at our Court at York, the 27th day of May, 1642."

The Parliament's Declaration, in Answer to the foregoing Proclamation.

"The lords and commons, having perused his majesty's Proclamation, forbidding all his majesty's subjects belonging to the Trained Bands or Militia of this kingdom, to rise, march, muster, or exercise, by virtue of any Order or Ordinance of one or both houses of parliament, without consent or warrant from his majesty, upon pain of punishment according to the laws; do thereupon declare, That neither the statute of 7 Edw. I. therein vouched, nor any other law of this kingdom, doth restrain or make void the Ordinance agreed upon by both houses of parliament for the ordering and disposing of the Militia of the kingdom, at this time of extreme and imminent danger; nor expose his majesty's subjects to any punishment for obeying the same, notwithstanding that his majesty hath thereto given his assent; but that the same ought to be obeyed by all the subjects of this kingdom. [illegible] the statute of 7 Edw. I. Anno 1297, it was [illegible] his majesty's subjects, [illegible] that [illegible] his people. Which statute [illegible] [illegible] [illegible]

—It is acknowledged that the King is the fountain of justice and protection, but the acts of justice and protection are not exercised in his own person nor depend upon his pleasure, but by his courts, and by his ministers, who must do their duties though the king, [illegible] and protection, and [illegible] the laws and statutes of the kingdom, [illegible] the subject in his high [illegible] and [illegible] and [illegible] and [illegible] the kingdom [illegible] his majesty [illegible] though [illegible] and [illegible] but [illegible] for the necessities [illegible] and preservation [illegible] the kingdom [illegible] three [illegible] what it ever [illegible] authority [illegible] endeavour [illegible] or attempt [illegible] supreme power [illegible] declared [illegible] alter any [illegible] manner, than it [illegible] tion of his [illegible] lords and commons, [illegible] and highest [illegible] the present [illegible] the realm, the [illegible] kingdom should [illegible] Ordinance and [illegible] be committed [illegible] to be presented [illegible] and other [illegible] might put [illegible] This is so [illegible] king's peace, [illegible] ing and seizing [illegible] alone is not [illegible] subjects, as [illegible] are bound [illegible] what the [illegible] to be interpreted [illegible] king, to declare [illegible] had to punish [illegible] use to do [illegible] sion or commit [illegible] contrary, they might [illegible] same accordingly [illegible] laws and usages [illegible] realm, for the [illegible] is not enabled to destroy his people, but to protect and defend them, and [illegible] high court of parliament, and all other his majesty's officers and ministers, ought to be subservient to that power and authority which law hath placed in his majesty to that purpose, though he himself, in his own person, should not be of the same:—Therefore the lords and commons do declare the said Proclamation to be void in law, and of none effect, for that, by the constitution and policy of this kingdom, the king, by his proclamation, cannot declare the law contrary to the judgment and resolution of any of the inferior courts of justice, much less against the high court of parliament; for if it were otherwise, that the king, by his proclamation, may declare a law, thereby his proclamations only, or chiefly, become laws, which would turn to the subverting of the law of the land and the rights and liberties of the subject.—And the lords and commons do require and command all constables, petty constables, and all other his majesty's officers and subjects of this sorte, to muster, levy, rise, march and exercise or to summon or warn any, upon pretence [illegible] lieutenants, deputy lieutenants, captains, or other officers of the trained bands, and [illegible] to the said Ordinance of both houses, and shall not presume to muster, levy, rise, march, or exercise, by virtue of his commission neither authority [illegible] as they will answer the contrary at their [illegible] and in the [illegible] doing they do [illegible] their [illegible] shall be [illegible] by the power and authority of both houses of parliament; and that all such as shall oppose, question or hinder them in the execution of the said Ordinance, shall be proceeded against as enemies of the [illegible] and disturbers of the peace of the kingdom."

Letter to the Lords from the 9 Peers at York.] June 7 [1642]. A Letter directed to the Speaker of the house of lords, was read as follows:

"My lord, We whose names are underwritten, have received Summons, dated the 1st day of May, to appear the 8th of June, [illegible] in the house of peers, we are come [illegible] to pay a willing obedience [illegible] his majesty's commands, signified by letters under his hand, which [illegible] certain persons [illegible] us [illegible] York [illegible] to attend his majesty at Northampton, Wellingborough, Market Harborough, Daventry, [illegible] Stratford upon Avon, Worcester, Warwick [illegible]

(Which [illegible] to turn into [illegible] we [illegible] by all the [illegible] and [illegible] the present [illegible]

From the Lords to the Peers at York.] The [illegible] of a message [illegible] by [illegible] and [illegible] the Lords [illegible] the Lords [illegible] the Lords

the parliament; and whatsoever hath that principle in him, it will dictate to him as much, and keep him from other bye-ways. And for my own part, my heart ever was, and shall ever be, both forward and ready to obey their lordships commands in all things, both with integrity and industry, and God's curse light upon him and his, that carries any other heart about him.—My lord, it is too mean a way for me to express my acknowledgment, in paper, to the house for this high favour, which I have received by your lordship's letter. I hope to make it appear to their lordships, by my actions, that I am not an ungrateful servant.—It is a great encouragment to these parts, their lordships Resolutions, in giving their commands to have the rest of the Militia put to present execution; and truly, my lord, it was out of that regard that I did intimate it to my lord of Essex; as holding it a thing much conducing to the public good, and the only remedy to cure these distractions which the kingdom is in, not out of any regard to myself; for I know, if I suffer in executing their lordships commands, it must be against their wills, and when that day comes, I will not give a straw for all I have, were I but a looker-on. My lord, as I was this day at Lincolo, where I appointed to begin to muster, there came a messenger from his majesty, with this Letter, which I held it my duty to acquaint the house with, and likewise my Answer, and, as at Lincoln, so in all other places, I shall be ready to serve your lordship as Your most humble Servant, F. WILLOUGHBY. Lincoln, June 6, 1642." P.S. My lord, ere my letter was sealed up, I could not but give your lordship an account in how good a posture I found the Trained Bands of Lincoln, which was far beyond my expectation; considering the unhappiness in the sickness being spread in the town, which hindered the appearance of some but, truly, my lord, that was fully supplied by a company of volunteers, equal in number and goodness of arms to the Trained Bands."

The King's Letter to lord Willoughby of Parham.

"C. R. Right trusty and well-beloved, we greet you well. Whereas we understand that you have begun to assemble, train, and muster the Trained Bands of our county of Lincoln, under pretence of an Ordinance of Parliament, where to we have not given our consent; which is not only contrary to law, but to our command and pleasure, signified by our Proclamation sent to the sheriff of that our county wherefore, that you may not hereafter plead ignorance of such our prohibition, we do, by these our letters, command and charge you, upon your allegiance, to desist and forbear to raise, muster, train, exercise, or assemble together any part of the Trained Bands of that our county, either by yourself, or by any others employed under you, or by warrant from you. And because you may, for what you have already done concerning the Militia of that our county, plead that you had not so particular a command, we shall pass by what you have already done therein, so as presently, upon your receipt hereof, you shall desist and give over meddling any further with any thing belonging to the Militia of that our county; but if you shall not presently desist and forbear meddling therewith, we are resolved to call you to a strict account for your disobedience therein, after so many particular and legal commands given you, upon your allegiance to the contrary, and shall esteem and proceed against you as a disturber of the peace of our kingdom. Given at our court at York, June 4, 1642."

Lord Willoughby's Answer to his Majesty.

"Sir; As there can be nothing of greater unhappiness to me, than to receive a command from your majesty, wherewith my endeavours cannot give so ready an obedience, as my affections; so I must confess the difficulty, at this time, not a little, how to express that duty which I owe to your majesty's late commands, and not falsify that trust reposed in me by your high court of parliament; through whose particular directions I am now come into this county to settle the Militia, according to the Ordinance of parliament; which by the votes of my lord Lyttleton, and others in the house of peers better versed in the laws than myself, passed as a legal thing; and hath since been confirmed, if I mistake not, by his example, and your majesty's chief justice, sir John Bankes; both in their accepting commissions under that Ordinance, and nominating their deputy-lieutenants. How much further they proceeded, I know not.—But, sir, if the opinions of those great lawyers drew me into an not unsuitable to your majesty's liking, I hope the want of years will excuse my want of judgment. And since, by the command of the parliament, I am now so far engaged in their service, as the sending out warrants to summon the county to meet me this day at Lincoln, and afterwards in other places, I do most humbly beseech your majesty not to impose that command upon me, which must needs render me false to those that rely on me; and so make me more unhappy than any other misery that can fall upon me.—These things, sir, I once more humbly beseech your majesty may be taken into your gracious consideration; and that you would never be pleased to harbour any misconstruction of me, or of this action; since nothing hath yet passed by my commands here, or ever shall, but what shall tend to the honour and safety of your majesty's person, to the preservation of the peace of your kingdom, and to the content, I hope, of all your majesty's subjects in these parts; amongst which I remain, Your majesty's, &c. F WILLOUGHBY."

The Lords resolve to support the lord Willoughby.] Mr. Hollis also acquainted the house, That the lords had passed a Vote upon occasion of the foregoing Letters, to which they desired the commons concurrence, in hoc

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verbatim. "The lords have thought fit to [illegible] know, how much they value and approve the endeavours of this lord, to a service so much importing the safety of this kingdom; and they doubt not of your readiness to concur with them, upon all occasions, to the manifest sense they have, and shall retain, of his deserves; which appear the greater, by how much the difficulties (by those circumstances you have heard read) have been greater. And as my lords resolve to make his interest their own, in this service, for the public good, and safety of this kingdom, so they desire you to join with them, in so good and necessary a work."—The commons agreed to this vote, whole; together with the Letters, were ordered to be printed and published.

The Lords pass a Vote against the 9 Peers.] This day the lords took into consideration the Letter from the Nine Peers at York, and agreed upon a conference with the other house about it, expressing their sense of the matter in the following manner:—"The lords having received a letter from diverse of their members, who have withdrawn themselves from their attendance in parliament, contrary to the expresorders and commands of this house, though this affront be to their own house, and by their own members, yet, as it concerns the safety of the kingdom, and the very being of parliament, in the consequence of it the lords, in that respect, thought it fit to communicate it to the commons; that both houses may, jointly, endeavour to prevent such practices and designs as, by the Malignant Party and the ill-affected members of both houses, may be undertaken, to the dissolution of the parliament, unvalluing the acts and authority thereof, [illegible] a powerful opposition thereunto; which the lords cannot but conceive those lords are encouraged unto by the counsels now prevailing, and the forces now raising at York, of which it is not imaginable, after a vote passed by both houses, that it appeared the King, seduced by wicked counsel, intended to make war against his parliament, they would have taken the boldness to leave [illegible] the house, in contempt of the command of both, and have gone to York; and, being summoned to appear, would have remained there notwithstanding, and have returned so slight and scornful an answer."

Informations of the King's raising Troops.] June 9. The lords having desired to know of the commons, at a conference, what real informations they have had, that the king had sent out Summons into the county of York, and other counties, for raising of troops, &c. under colour of his majesty's service, with large offers to those that would come in, the commons answered, That they had received intelligence, at the bar, that the king had sent to summon Lancashire, Cumberland, and Westmoreland; and that some of their members had letters of the same, but they are willing to drop those counties, it being notorious only in Yorkshire. [illegible]

A Subscription by both Houses, of Money and Horse.] June 10. A message was brought from the commons declaring, That their members had entered into an engagement, separately, to bring in Money, Plate, and Horses for the public use, as the only remedy to maintain the Protestant religion, the king's authority, and his person in his royal dignity; the free course of justice, the laws of the land, the peace of the kingdom, and the privileges of parliament. They also hoped their lordships would put the same in execution, and declare themselves and their affections, what they would do therein, since they had more to lose than the house of commons. Hereupon the lords present subscribed to bring in as follows:

	£.	Horses
The Lord Admiral, earl of Northumberland	2000	
Earl of Essex	1000	20
Earl of Holland		30
Earl of Pembroke	1000	40
Earl of Bedford	800	
Earl of Leicester, lord lieutenant, going for Ireland		
Earl of Bolingbroke	500	20
Earl of Lincoln		20
Lord Say and Sele	1000	
Earl of Bristol desired some time to consider of it.		
Lord Paget		10
Lord Kimbolton		10
Lord Roberts	1000	
Lord Brooke	1000	20
Lord Grey de Werk	1[illegible]0	
Lord Fielding	500	
Lord North	200	
Lord St. John		10
Lord Bruce		10
Lord Wharton	500	6

The horseman were all to be completely armed, and many of the lords engaged to serve in person.

Proposition for bringing in Plate, Money, &c.] A committee of Lords was appointed to receive the Answers of those lords who were absent, how far they would assist in this affair; the Judges and other assistants to the house were also to be urged to subscribe to it: and, in order to forward this subscription more effectually thro' out the whole kingdom, the following Proposition was agreed to by both houses:

"Whereas it appears that the king, seduced

Lord Clarendon informs us, "That when this Subscription was set on foot in the house of commons, sir Henry Ludlow, being called upon, told them, 'if there were occasion, he would provide a good horse, and a good sword; and made no question but he should find a good cause.' But, within very few days, both he, and all those that were taken notice of for refusing, found it safest for them to leave the town; there being very visibly great animosity against them, both within and without the walls."

by wicked counsel, intends to make war against his parliament, and, in pursuance thereof, under pretence of a guard for his person, hath actually begun to levy forces both of horse and foot, and sent out summons throughout the county of York, for the calling together great numbers, and some ill-affected persons have been employed in other parts, to raise troops, under colour of his majesty's service, making large offers of reward and preferment to such as will come in, and that his majesty doth, with a high and forcible hand, protect and keep away delinquents, not permitting them to make their appearance, to answer such affronts and injuries as have been by them offered unto the parliament, and those messengers which have been sent from the houses for them, have been abused, beaten, and imprisoned; so as the Orders of parliament, which is the highest court of justice in this realm, are not obeyed, and the authority of it is altogether scorned and slighted; and such persons as stand well-affected to it, and declare themselves sensible of those public calamities, and of the violations of the privileges of parliament, and common liberty of the subject, are baffled and injured by several sorts of malignant men who are about the king, some whereof, under the name of Cavaliers, without having respect to the laws of the land, or any fear either of God or man, are ready to commit all manner of outrage and violence, which must needs tend to the dissolution of this government, the destroying of religion, laws, liberty, and property, all which will be exposed to the malice and violence of such desperate persons, as must be employed in so horrid and unnatural an act as the overthrowing of a parliament by force, which is the support and preservation of them all: this being duly considered by the lords and commons, and how great an obligation lies upon them in honour, conscience, and duty, according to the high trust reposed in them, to use all possible means in such cases, for the timely preventing of so great and irrecoverable evils, they have thought fit to publish their sense and apprehension of this imminent danger, thereby to excite all well affected persons to contribute their best assistance, according to their solemn vow and Protestation, to the preparations necessary for the opposing and suppressing of the traiterous attempts of these wicked and malignant counsellors, who seek to engage the king in so dangerous and destructive an enterprize, and the whole kingdom in a Civil War, and destroy the privileges and being of parliaments: this recourse to the good affections of those that tender their religion and just liberties, and the enjoyments of the blessed fruits of this present parliament, which were almost ready to be reaped, and are now as ready to be ruined by those wicked hands, being the only Remedy left them, under God; and without which they are no longer able to preserve themselves, or those by whom they are entrusted. 1. They the said lords and commons do declare, That whosoever shall bring in any proportion of ready Money, or Plate, or shall underwrite to furnish and maintain any number of Horse, Horsemen, and Arms, for the preservation of the public peace, and for the defence of the king and both houses of parliament from force and violence, and to uphold the power and privileges of parliament, according to his Protestation; it shall be held a good and acceptable service to the commonwealth, and a testimony of his good affection to the Protestant religion, the laws, liberties, and peace of this kingdom, and to the parliament and privileges thereof. And because a considerable Aid cannot be raised by few hands, and the condition of all men's estates and occasions is not always proportionable to their affection, therefore no man's affection shall be measured according to the proportion of his offer, so that he express his good-will to this service in any proportion whatsoever. 2 Whosoever shall bring in any Money, or Plate, or shall furnish and maintain any Horse, Horsemen and Arms for the purposes aforesaid, shall have their money repaid, with interest, at 8 per cent. and the full value of their plate, with consideration for the fashion, not exceeding 1s per ounce, and shall have full recompence for all their charge, in finding, furnishing, and maintaining of horse, horsemen, and arms, and for this both houses of parliament do engage the public faith. 3. Four aldermen of London shall be the treasurers, to receive all such Money and Plate as shall be brought in for the purposes aforesaid, whose acquittances for the same shall be a sufficient ground for the party so lending money or plate, to demand it again with interest, and also consideration for the fashion of the plate. 4 Commissaries shall be appointed to value the Horse and Arms furnished for this service, and a signification under their hands of such values of the horse and arms, and of the time when first brought in, shall be a warrant to demand satisfaction according to the said values; and they shall keep an account of the time, from the first entitlement of any such horse and horsemen, that such as find and maintain them may be repaid, according to the rate of 2s 6d per diem, for so long time as they have maintained them in this service: and the commissaries are to attend at Guildhall, for the receiving and inrolling of such numbers of horse as shall be brought in. 5. Whosoever shall bring in Money or Plate, or shall provide and maintain Horse, Horsemen, and Arms for this service, shall do according to their duty therein. And the lords and commons do engage the power and authority of parliament, to save them harmless from all prejudice and inconvenience that may befall them by occasion thereof. 6. The members of either house, who are present, shall be desired to declare in their houses respectively, what Money, or Plate, they will bring in, or what Horse, Horsemen and Arms they will find and maintain. 7 It is desired, That all such as

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have residence in or about London, or within 30 miles, will bring in their Money, Plate, or Horse, within a fortnight after notice; and they that dwell farther off, within 3 weeks. 3 And because every person may not be provided with present Money, or with Horse, or not have his plate with him, which he means to bring in, and yet resolves to contribute his part within the time limited; and that it is necessary it should be presently known what the provision will be, for the effecting this great and important service; it is ordered, 1. That the committees of either house, appointed for that purpose respectively, shall receive the Subscriptions of such member of each house, as have not declared themselves in the house, or are absent upon the public service, or for their private occasions. 2 That the committee in London, intrusted with the Militia, shall receive the Subscriptions in London and Middlesex. 3 That some persons, nominated by the knights and burgesses of each county, and approved by both houses, shall be appointed to receive the Subscriptions in the several counties. Lastly, Whatsoever is brought in shall not at all be employed upon any other occasion, than to the purposes aforesaid, which are to maintain the Protestant religion, the king's authority, and his person in his royal dignity, the free course of justice, the laws of the land, the peace of the kingdom, and the privilege of parliament, against any force which shall oppose them. And this by the direction of both houses of parliament."

These Propositions of the parliament had such effect, that, lord Clarendon informs us, 'It was hardly credible what a vast proportion of plate was brought in to the treasurers within ten days, there being hardly room enough to receive it, or room to write, all the throng being so great of the bringers that, in two days attendance, many could not be discharged of their seditious burthens.' Mr Whitlocke adds, 'That the parliament was not only furnished with Money by this way of the public faith, but, by the endowments of sundry ministers and others, a great quantity of Money, Plate and Ammunition was brought in, even by some poor women, to their wedding-rings and bonkins.'

The Nine Peers at York ordered to be impeached.] Mr. Hollis having reported the opinion of the lords concerning the letter from the Nine Peers at York, a motion was made 'That the departing of these Nine Lords from the parliament, without leave, after such time as both houses had declared, that the king, seduced by wicked counsel, intended to make war against the parliament; and their still continuing at York, notwithstanding their summons and commands, is a high affront and contempt of both houses: and that the said Lords therein did as much as in them lay, that the service of parliament might be deserted; and are justly suspected to promote a war against the parliament.' The previous question being put, it was carried in the affirmative by 108 voices against 51. The Tellers on this remarkable occasion were, for the Yeas, Mr Hollis and Mr Cromwell; for the Noes, Mr. Waller and Mr White. Then it was resolved, That a committee be appointed to draw up an Impeachment against the said Nine Peers.

This day the commons took notice of a Picture, or Print, of sir John Hotham on horseback upon the walls of Hull, and the king on foot before the walls; and ordered this scandalous Picture, as it is called, to be burnt by the common hangman, and the whole impression to be seized.

Petition from Somersetshire, in favour of the King's Proposal for an Accommodation.] June 11. The lords had been informed, by the commons, of a Petition that was then framing in Somersetshire, to be presented to both houses in which were great aspersions cast upon the parliament. A copy of it was procured, and this day read to the house as follows:

To the most High and Honourable Houses of Lords and Commons. The Humble Petition of the Knights, Gentry, Clergy, and Freeholders of the county of Somerset.

"We, with all thankfulness, do acknowledge your great care and pains, in the service of the common-wealth, whereby you have obtained those most laws, which, by his majesty's gracious assents and favour, have been already granted: and, not doubting of the continuance of these your wonted still in you, for the good and peace of this kingdom, and of your favourable acceptance of these our humble desires, though we have been discouraged, heretofore, in expressions of the like kind, we do again humbly desire, That the Church and Liturgy, established by law, may be continued and observed until such time as the wisdom of the king and parliament, with the assistance of a free and well-chosen synod, of the most grave and learned divines of this kingdom, shall make such reformation or alteration therein, and, in the mean time, that the disturbers thereof may be discountenanced and punished. That you would be pleased to bend your endeavours to remove all jealousies and misunderstandings between his majesty and the parliament, which have brought with them the greatest evils that can befall mankind, and which we most fear, and to that end, to take into your consideration his majesty's Message of the 20th of January, as the means himself proposes for an Accommodation; and that you would provide for his safety, by declaring against Tumults and unlawful Assemblies; and that you would take care to suppress seditious Sermons and Pamphlets, which his majesty declares he expects, as the means to invite him to come near to his parliament. That seeing his majesty and parliament do not agree in a new way for settling the Militia, it is humbly desired that the Trained Bands may be put into

such a posture, and governed as to the time of queen Elizabeth and a law be made, and that the disputes about the manner of doing it may not occasion division in the mean time: that the subject may have the benefit of the Petition of Right, both for his person and estate, in all causes and in all courts, and that the laws of the kingdom may be our only rule of government and obedience.—That whereas great sums of Money have been levied by authority of parliament, and greater are now required, we beseech you to take notice, that the country is much impoverished, and will, unwillingly, bear any further burden of this kind, but such as shall be employed for the general service of this kingdom and that bleeding kingdom of Ireland; and therefore we most humbly pray, that it may be made known how those former collections have been disposed of, which will be a great encouragement for the readier payment of the present.—Lastly, since his majesty hath often, with sacred protestations, declared to his parliament and people, That he will ever maintain the true Protestant Religion established, the Laws of the kingdom, and the Liberty of the subject, which we do confidently believe, we do, therefore, humbly beseech you, that disputes about prerogative, and the fear of a Malignant Party, or other jealousies, may not embroil you in the greatest of evils, as are those of civil dissentions, or encouragements to act contrary to conscience, but that you would do your utmost to lay aside all distempers, and heedfully watch over the peace and safety of this kingdom, which we will join with you in our earnest prayers to preserve, and willingly adventure our lives and fortunes."

The persons who were to have presented this Petition to the parliament, if there had not been a stop put to it, were, sir Fra. Pawlet, sir Anmas Pawlet, sir Hen. Berkley, sir Ch. Berkley, sir Edw Berkley, sir Fra. Doddington, sir Fra. Hawley, sir Sam Gorges, and sir Rob. Philips.

The lords ordered sir T. Doddington and sir C. Berkley to be summoned to attend the house presently; and others, mentioned by the commons, to be sent for on account of this Petition.

The Lord Keeper disavows his Voting for the Militia Ordinance.] The following Letter from the Lord-Keeper, directed to the lord Willoughby of Parham, was read in the house of lords.

"My lord; His majesty was this day pleased to shew me a letter of your lordship's unto him, wherein you have expressed that I gave my vote in the house of peers for the Ordinance touching the Militia; which he questioning, in regard he heard it otherwise related, I, thereupon, informed him the truth, which is, That I was absent from the house on making the first Ordinance, which was presented to him for his assent, and being present when the second was in agitation, I gave my vote against it; which his majesty hath commanded me to let you know, and is the occasion of this Letter from York, &c. EDW. LITTLETON. York, June 7, 1642."

But notwithstanding the lord keeper's positive denial of his voting in favour of the Ordinance for the Militia, we find the contrary account of his conduct, as before given from lord Clarendon and Mr Whitlocke, fully justified by the following entry in the lords Journals:—The lords ordered a committee of three to search the Journals for the truth of this matter; who immediately reported, "That the lord-keeper was present when the Petition to the king concerning the Militia was agreed on: that he was present, voted, and argued for the following vote, viz 'That, in case of extreme danger, and of his majesty's refusal, the Ordinance agreed on by both houses doth oblige the people, and ought to be obeyed by the fundamental laws of this kingdom.' Lastly, That he named his deputy-lieutenants, and agreed to the several forms of deputations of the Militia." These particulars, signed by the clerk, were ordered to be sent to lord Willoughby, and forthwith printed and published.

Mr. Hollis's Speech upon Impeaching the Nine Lords at York.] June 15 A Message was brought from the commons by Mr. Denzil Hollis, containing an Impeachment against the Nine Lords who had written and signed the Letter from York; which he introduced with the following speech *

"My lords; By the command of the knights, citizens, and borgesses of the house of commons, I come hither unto your lordships in the behalf of the parliament, or rather in the behalf of the whole kingdom, labouring with much distraction, many fears, gre at apprehensions of evil and mischief, intended against it; and now hatching and preparing by that Malignant Party, which thirsts after the destruction of religion, laws, and liberty; all which are folded up, cherished, and preserved in the careful bosom of the parliament.—My lords, the parliament is the foundation and basis of government, and consequently of the peace and happiness of the kingdom. As it creates the law by which we are ruled and governed in peace and quietness, so it preserves the law in power and authority: it watches over our religion, that it be not supplanted and changed by superstitious innovations; the truth and substance of it eaten up with formality, vain pomp, and unnecessary ceremonies; the gross errors of Popery and Arminianism imposed upon us, as the doctrine of our church, a way opened to all licentiousness; and occasion, hereby, taken to oppress and persecute all re-

* This speech was ordered by the commons to be printed; and by such only as Mr. Hollis should appoint: accordingly we find, in the title thereof, this Imprimatur: "I appoint that none shall print this but Thomas Underhill. Denzil Hollis." This gave occasion to the king, in one of his Declarations, afterwards, to style Mr. Hollis a Monopolist.

[illegible] and the laws set up [illegible]

ligious and conscientious men that shall oppose these proceedings, as hath been used of late. It is the conservative of the rights and liberties of the subject, and the corrective of injustice and oppression; whereby equal right is distributed to all, and every man hath that benefit and protection of justice, which is due unto him. It is that by which alone common necessities can be provided for, and public fears prevented. so that I may say, not only the peace, happiness, and well-being, but the very being of this kingdom, can have no other bottom to stand upon but the parliament, it being the foundation upon which the whole frame of the common-wealth is built.—Therefore those who would destroy the building, apply themselves to undermine the foundation. If they can take away parliaments, or but weaken the power and authority of parliament, which is all one (for if it once have no power, it will soon have no being) they know then all will be at the r mercy, nothing will stand in their way to oppose them; but a flood of violence will run over and cover the whole surface af the kingdom, and carry away all, both present enjoyment, and future hope of religion, liberty, and whatsoever else is precious and dear unto us.—And, accordingly, it hath ever been the policy of evil counsellors (who are the greatest enemies we have in the world, or can have) to strike at parliaments, keep off parliaments, break parliaments, or divide parliaments, by making factions existing in diversions and obstructions, to hinder and interrupt the proceedings of parliament all against the parliament.—Your lordships have had experience of this truth in this parliament; a succession of designs upon it first to wear it, and take away the freedom of it by the terror of an army; then to bring force against it, actually to assault it, and, with the sword, cut in sunder this only band, which ties and knits up king and people, the people among themselves, and the whole frame of this government, in one firm, and I hope indissoluble, knot of peace and unity.—God diverted those designs, and did blow upon them; presently another is set upon, which was to obstruct and hinder our proceedings, that, in the mean time, the flame of rebellion might consume the kingdom of Ireland; and distempers, distractions and jealousies be fomented here at home, to tear out the bowels of this kingdom, the parliament being disabled from helping it, by occasion of so many diversions, so much business cast out unto it, many obstructions and difficulties; especially that great one from which all the rest receive countenance and support, his majesty's absenting himself, and not concurring with us; thus withdrawing both his presence and influence; by which means such Remedies could not be applied as were necessary; and what was done, was done with infinite trouble to the parliament, and excessive charge to the subject, double, treble, what otherwise would have served the turn: so the subject is grieved and oppressed with charge, and the blame of all is laid upon the parliament; and the parliament unjustly said to be the cause of all those evils, which the authors of them had made so great; and so confirmed and secured by the frequent interruptions of the parliament, that they could not suddenly, nor easily, be suppressed or removed.—Well, but, by God's infinite blessing, the parliament was in a fair possibility to wade through this likewise; and though the night had been black and stormy, some day began to appear: miraculously our arms have prospered in Ireland, and, God be praised, the malevolent practices of these vipers at home, as they appeared, were in some sort mastered, and the parliament began to act and operate towards the settling of the great affairs both of church and state, and providing for the defence and safety of this kingdom, against either foreign invasion, or any stirring of the disaffected party among themselves.—Then three ways are together essayed for the weakening and invalidating the proceedings and power of the parliament, and making way for the utter subversion of it. One, Force is gathered together at York, under pretence of a Guard for his majesty's person, to make an opposition against the parliament; and, by a strong hand, to support and protect delinquents, so as no order of parliament can be obeyed, but on the other side slighted and scorned; so to make the parliament of no reputation, to be but Mungo Parliament's mere shadow, without substance, without efficacy.—Another, To send out, in his majesty's name, (and as Declarations and Messages from him) bitter invectives against the parliament to perplex it, and cast it, in the opinion of time, to answer them, and besides cunningly to insinuate and infuse into the people, by false colours and glosses, a full opinion and dislike of the parliament, and, if it be possible, to stir up their spirits to rise against it, to destroy it, (and, in it, all other parliaments) to the ruin of themselves, their wives and children.—The third Point, The members are drawn away, and persuaded to forsake their duty and attendance here, and go down to York; thereby to blemish the actions of both houses, as done by a few and inconsiderable number, and rather a party than a parliament; and, perhaps, to raise and set up an anti-parliament there.—My lords, this is now the great design whereby they hope, by little and little, the parliament shall even bleed to death, and moulder to nothing, the members dropping away, one after another; a desperate and dangerous practice, and as your lordships well observed (when you were pleased to communicate this business to us) an effect of the evil counsels now prevailing and tending to the dissolution of the parliament: of this parliament, which, under God, must be the preserver of three kingdoms, and keep them firm and loyal to their king, subject to his crown, save them from being turned into a chaos of disorder and confusion, and made a dismal spectacle of misery and desolation. this parliament, which is

the last hope of the long-oppressed, and in other countries, even almost wholly destroyed, Protestant religion: this parliament, which is the only means to continue us to be a nation of freemen, and not slaves, to be owners of any thing; that we may call our wives, our children, our estates, nay our bodies our own: in a word, which must stand in the gap to prevent an inlet and inundation of all misery and confusion.—My lords, this parliament they desire to destroy; but I hope it will destroy the destroyers, and be a wall of fire to consume them as it is a wall of brass to us, to defend king and kingdom, us, and all we have.—Your lordships wisely fore-saw this mischief, and as wisely have endeavoured to prevent it, by making your Orders, to keep your members here; as that of the 9th of April, and several other Orders enjoining them all to attend; thereby restraining them from repairing to York, where the clouds were observed to gather so fast, and threaten a storm, and such preparations to be made against the parliament that it necessitated both houses to pass a vote.—That the king, seduced by wicked Counsel, intended to make war against the parliament, and all who shall serve, or assist, in such wars, are declared to be traitors,' which Vote passed the 20th of May; so setting a mark upon that place, and declaring their opinion concerning those who should at this time resort thither.—Yet now, in such a conjuncture of time, when the kingdom had never more need of a parliament, and the Parliament never more need of all the help and assistance of the best endeavour and advice of every member; the safety and even the being, of the three kingdoms depending upon it; after such Orders and commands of your lordships house to the contrary; such a Vote of both houses; and expressly against their duty, being called thither by writ, under the Great Seal; which is the king's greatest and highest command, and not controulable, nor to be dispensed with, by any other command from him whatsoever, and called to treat and consult 'de arduis regni,' the great, urgent, and pressing affairs of the kingdom, never more urgent, nor more pressing notwithstanding all this, these lords, the earls of Northampton, Devonshire, Dover, and Monmouth, the lords Andover, Rich, Grey, Coventry, and Capel; have left their stations, withdrawn themselves, and are gone to York; and being summoned to appear by no Order of the 30th of May, instead of obedience, return a refusal, by a slighting and scornful Letter, which hath been so adjudged both by your lordships and the house of commons.—My lords, the house of commons hath likewise, upon the consideration and debate of this business, finding it so much to concern the safety of the kingdom and the very being of the parliament, passed this Vote.—That the Departing of these Nine Lords from the parliament, without leave, after such time as both houses had declared, That the king, seduced by wicked counsel, intended to make war against the parliament; and their still continuing at York, notwithstanding their summons and command, is a high affront and contempt of both houses; and that the said lords, therein, did as much as in them lay, that the service of the parliament might be deserted, and are hereby suspected to promote a war against the parliament.'—And the house, in further prosecution of their duty in this particular, and in pursuance of their Protestation, which obliges them to endeavour to bring to condign punishment all such high offenders against not only the privileges, but the very essence of parliament, have sent me up to impeach these Lords, and desire that speedy and exemplary justice may be done upon them.—And, accordingly, I do here, in the name of the knights, citizens and burgesses of the commons house assembled in parl and in the name of all the commons of England, impeach Spencer earl of Northampton, William earl of Devonshire, Henry earl of Dover, Henry earl of Monmouth, Charles lord Howard of Charlton, Robert lord Rich, Charles lord Grey of Ruthen, Thomas lord Coventry, and Arthur lord Capel, for these high Crimes and Misdemeanors following, viz. For that contrary to their duty, they being peers of the realm, and summoned by writ to attend the parliament; and contrary to an Order of the house of peers of the 9th of April last, and several other Orders, requiring the attendance of the members of that house; and after a Vote passed in both houses the 20th of May last, 'That the king, seduced by wicked counsel, intended to make war against the parliament, and that whosoever served or assisted him in that war, was adjudged a Traitor,' did notwithstanding, afterwards, in the same month of May, contemptuously, having notice of the said Votes and Orders, withdraw themselves from the said house of peers, and repair to the city of York; where the preparations of the said war were, and yet are, in contrivance and agitation, they knowing of such preparations, and being, by an Order of the 30th May, duly summoned by the house of peers, to make their appearance before that house upon the 8th day of June instant, they refused to appear; and returned a scornful answer, by a Letter under their hands directed to the Speaker, of the lords house, and remaining there upon record. For which Crimes and Misdemeanors, to the interruption of the proceedings of parliament and great affairs of the kingdom, tending to the dissolution of the parliament, and disturbance of the peace of the kingdom; I am commanded, in the name of the said commons, to demand of your lordships, That the said lords may be forthwith put to their Answer, and receive speedy and exemplary punishment, according to their demerits. The commons saving to themselves liberty, at all times hereafter, to exhibit any other or further Impeachment or Accusation against the said Lords, or any of them.

Ordered, That the impeached Lords should have notice to answer in 16 days time. And

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both the houses agreed to recall their joint committee at York.

Order against printing of scandalous Pamphlets.] This day two of the Company of Stationers were sent for by the commons, and they according accordingly, Mr. Speaker strictly enjoined them to be very careful and diligent in searching after any thing that is printed, that may reflect upon his majesty and an Ordinance was ordered to be drawn, for preventing the printing and publishing of any scandalous or libellous Pamphlet, that may reflect upon the king or the kingdom, the parliament, or Scotland, and for the suppressing of such as have already been printed.

The Parliament's Success in executing their Ordinance for the Militia.] June 16. The lords received intelligence from their lord-lieutenants in several counties in England, of their great success in putting the parliament's Orders concerning the Militia, in execution, and the great cheerfulness the country expressed in submitting to their commands. Many Orders were issued concerning raising men, and buying of Horses and Armour.

A Call of the H. of Commons.] This being the day appointed for a Call of the house of commons, the same was done with great strictness, when it appears, by the Journals, that 80 members, there named, were absent. It may easily be supposed that these gentlemen had all, or most of them, deserted the house, and were gone to the king at York. On this consequency a motion being made, That those absent members, whose names were now read, should not sit in the house, till they had made their excuse to a committee appointed for that purpose, reported and a question stated in the house, it was carried in the affirmative by 117 voices against 94. This committee was also authorized to commit such of the members of 100*l.* before mentioned, as should refuse to submit upon the first summons, in the sum of 100*l.* more to submit upon the second summons but another person to be made, That whatsoever member should not have liberty from the speaker of the house, without particular leave of the house first obtained, shall forfeit 20*l.* which is ordered to be levied to 100 agreed to.

The King's Declaration and Proclamation at York.] In September, the king this time the English resident at the Hague delivered to the states general a declaration, which is dated the 12th of this month, and others of his privy council at York, the 15th of this month, together with their engagement thereupon.

"1. R. We do declare, 1. That we will not require, nor receive any obedience from you, but what shall be warranted by the known laws of the land, as we do expect that you shall not yield to any command is not legally grounded, or imposed, by any other. 2. That we will defend every one of you, and all such as shall refuse any such commands, whether they proceed from Votes and Orders of both houses, or any other way, from all dangers and hazards of whatsoever. 3. That we will defend the true Protestant Religion established by the laws of the land, the lawful Liberties of the Subjects of England, and just Privileges of all the three estates of parliament; and shall require no further obedience from you, than as accordingly we shall perform the same. 4. That we will not (as is falsely pretended) engage you, or any of you, in any war against the parliament, except it be for our necessary defence and safety against such as do insolently invade or attempt against us, or such as shall adhere to us."

The ENGAGEMENT of the Lords and others.

"We do engage ourselves not to obey any Orders or commands whatsoever, not warranted by the known laws of the land. We do engage ourselves to defend your majesty's person, crown, and dignity, together with your majesty's just and legal prerogative, against all persons and power whatsoever. We will defend the true Protestant Religion established by the law of the land, the lawful liberties of the subjects of England, and just privileges of your house of parliament. And, lastly, we engage ourselves not to obey any Rule, Order, or Ordinance whatsoever, concerning any Militia, that hath not the Royal assent." York, June, 13, 1642."

Subscribed by

Lord keeper Littleton	Lord Willoughby of Eresby
Duke of Richmond	Lord Howard of Charlton (vacount Andover)
Marquis of Hertford	Lord Great Chamberlain, (Earl of Lindsey)
Earl of Cumberland	Lord Pierepont (Viscount Newark)
Earl of Bath	Lord Paulet
Earl of Huntingdon	Lord Lovelace
Earl of Southampton	Lord Rich
Earl Dorset	Lord Chandois
Earl of Salisbury	Lord Saville
Earl of Northampton	* Lord Paget
Earl of Devonshire	Lord Mohun
Earl of Cambridge	Lord Coventry
Earl of Bristol	Lord Dunsmore
Earl of Clare	Lord Seymour
Earl of Westmoreland	Lord Capel
Earl of Berkshire	Lord Falkland, Secretary of State
Earl of Monmouth	Mr. Comptroller, (sir Peter Wych)
Earl Rivers	Mr. Secretary Nicholas
Earl of Newcastle	Mr. Chancellor of the Exchequer (sir John Colepeper)
Earl Dover	
Earl of Carnarvon	
Earl of Newport	
Lord Grey of Ruthyn	Lord Chief Justice Bankes
Lord Mordaunt and Maltravers	
* Lord Faulconbridge	

To these were annexed a solemn Profession of the King, disavowing any intentions of raising a war against his parliament; and

* This List is taken from the original edition, printed at York by Robert Barker, in the collections of sir J. Dalrymple, bart. The names of the peers distinguished thus * are omitted in lord Clarendon's List.

[I shall the Declaration]

also a Declaration of the peers, and others of his privy council, in confirmation thereof. And first

His Majesty's DECLARATION and PROFESSION.

"There having been many rumours spread, and informations given, which may have induced many to believe that we intend to make war against our parliament; we profess before God, and declare to all the world, that we always have and do abhor all such designs; and desire all our nobility and council, who are here upon this place, to declare whether they have not been witnesses of our frequent and earnest Declarations and Professions to this purpose; whether they see any colour of preparations, or counsels, that might reasonably beget a belief of any such design; and whether they be not fully persuaded that we have no such intention; but that all our endeavours (according to our many Professions) tend to the firm and constant settlement of the true Protestant religion, the just privileges of parliament, the liberty of the subject, the law, peace, and prosperity of this kingdom. Given at our Court at York this 15th of June, 1642."

The DECLARATION and PROFESSION of the Lords and others of his Majesty's Privy Council at York.

"We whose names are underwritten in obedience to his majesty's desire, out of the duty which we owe to his majesty's honour and to truth, being here upon the place, and witnesses of his majesty's frequent and earnest Declarations and Professions of his abhorring all designs of making war upon his parliament; and not seeing any colour of preparations, or counsels, that might reasonably beget the belief of any such design; do profess before God, and testify to all the world, That we are fully perswaded that his majesty hath no such intention; but that all his endeavours tend to the firm and constant settlement of the true Protestant religion, the just privileges of parliament, the liberty of the subject, the law, peace, and prosperity of this kingdom. York, June 15, 1642." Subscribed by the same lords and others, as before.

The King's Declaration disavowing his intention of making War against the Parliament.] The foregoing Engagement and Testimony of the lords and counsellors were immediately printed and published, together with the following Declaration:

"Though we have, within these last 7 months, met with so many several encounters of strange and unusual Declarations, under the names of both our houses of parliament, that we should not be amazed at any new prodigy of that kind; and though their last, of the 26th of May, gave us a fair warning that, the contrivers of it having spent all their stock of bitter and reproachful language upon us, we were to expect they should now break out into some bold and disloyal actions against us; and berefing, by that Declaration, (as far as in them lies) divested us of that pre-eminence and authority which God, the law, the custom and consent of this nation had placed in us; and assumed it to themselves; that they should likewise, with expedition, put forth the fruits of that supreme power, for the violating and suppressing that power they despised; an effect of which resolution their wild Declaration against our Proclamation concerning the pretended Ordinance for the Militia, and the punishing of the proclaimers appears to be) yet we must confess, in their last attempt, (we speak of the last we know, they may probably since, or at this present, have outdone that too) they have outdone what we conceive was their present intention; and whosoever hears of Propositions and Orders for bringing in of Money and Plate to maintain Horse, Horsemen, and Arms, for the preservation of the public peace, or for the defence of the king and both houses of parliament, (such is their Declaration, or what else they please to call it, of the 10th of June) will surely believe the peace of this kingdom to be extremely shaken; and, at least, the king himself to be consulted with, and privy to these Propositions but we hope that (when our good subjects shall find, that this goodly pretence of 'the defence of the king' is but a specious bait to seduce weak and inconsiderate men into the highest acts of disobedience and disloyalty against us, and of violence and destruction upon the laws and constitutions of this kingdom) they will no longer be captivated by an implicit reverence to the name of 'both houses of parliament;' but will carefully examine and consider what number of persons are present, and what persons are prevalent in those consultations; and how the debates are probably managed, from whence such horrid and monstrous conclusions do result; and will, at least, weigh the reputation, wisdom, and affection of those who are notoriously known, out of the very horror of their proceedings, to have withdrawn themselves, or, by their skill and violence, to be driven from them and their councils.—Whilst their Fears and Jealousies did arise, or were infused into the people, from discourses of the rebels in Ireland, of Skippers at Rotterdam, of forces from Denmark, France, or Spain, (how improbable and ridiculous soever that bundle of informations appeared to all wise and knowing men) it is no wonder if the easiness to deceive, and the willingness to be deceived, did prevail over many of our weak subjects to believe, that the Dangers which they did not see might proceed from causes which they did not understand, but for them to declare to all the world, 'That we intend to make war against our parliament,' (whilst we sit still, complaining to God Almighty of the injury offered to us, and to the very being of parliaments) and that we have already begun actually to levy forces both of horse and foot, (whilst we have only, in a legal way, provided a smaller Guard for the security of our own person, so near a rebellion at Hull, than they

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have had, without lawful authority, above these 3 months, upon imaginary and impossible dangers) to impose upon our people's sense, as well as their understanding, by telling them we are doing that which they see we are not doing, and intending what they all know (as much as intentions can be known) we are not intending, is a boldness agreeable to no power, but the omnipotence of those Votes, whose absolute supremacy hath almost brought confusion upon king and people; and against which no knowledge in matter of fact, or consent and authority in matter of law, they will endure shall be opposed.—We have upon all occasions, with all possible expressions, professed our last and unshaken resolutions for peace, and we do again, in the presence of Almighty God, our Father and Redeemer, assure the world, That we have no more thought of making a war against our parliament, than against our own children; that we will maintain and observe the acts, assented to by us this parliament, without violation, of which that for the frequent assembling of parliaments is one, and that we have not, or shall not have, any thought of using any force, unless we shall be driven to it for the security of our person, and for the defence of the religion, laws, and liberty of the kingdom, and the just rights and privileges of parliament; and therefore we hope the Malignant Party, who have so much abused our person, and usurped our office, shall not, by their specious and fraudulent insinuations, prevail with our good subjects to give credit to their wicked assertions, and so to confirm their power and assistance for the final destruction of us and themselves.—For our Guard about our person, (which not so much our example as their provocation hath caused to take) it is known it consists of the prime gentry, in fortune and reputation, of this country, and of one regiment of our Lifeguard of Foot, who have been so far from offering any intolerable injuries, or disturbance to any of our subjects, that their principal care hath been to prevent such, and so may be re-called, but can find no Grievance, to our people from them. All affected persons, or any person, or persons employed in other parts to raise forces under colour of our service, or by Commission from us, or any, offers of reward and protection to such as will come in, is brought to us by you, (as we believe) an untruth, devised by the enemies of the true religion we profess, till we are confident there will be no man of note or industry to induce our loving subjects, when they shall see us oppressed, and their liberties and laws confounded, (and all things seem to point that way) not to call on them to come into, and to assist us.—For the Delinquents, (whom we have said with an high and forcible hand to protect) let them be named, and their delinquency, and if we give not satisfaction to justice, when we shall have received satisfaction concerning sir John Hotham, by his legal trial, then let us be blamed: but if the design be, (as it is well known to be,) after we have been driven by force from our city of London, and kept by force from our town of Hull, to protect all those who are delinquents against us, and to make all those delinquents who attend on us, or execute our lawful commands, we have great reason to be satisfied in the truth and justice of such accusation, lest, to be our servant, and to be a delinquent, grow to be terms so convertible, that, in a short time, we be left as naked in attendance, as they would have us in power, and so compel us to be waited on only by such whom they shall appoint and allow, and in whose presence we should be more miserably alone, than in desolation itself.—And if the seditious contrivers and fomenters of this tumult upon us shall have (as they have had) the power to mislead the major part present of either or both houses, to make such Orders, and send such Messages and Messengers, as they have lately done, for the apprehension of the great earls and Lords of England, as if they were traitors or felons, whereby persons of honour and quality are made delinquents, merely for attending upon us, and upon our Summons, whilst other men are forbid to come near us, though obliged by the duty of their places and oath, upon our lawful commands, it is no wonder if such Messengers are not very well entreated, and such Orders not obeyed. Neither can there be a surer and countenance given unto, to render the authority of both houses scorned and vilified, than to assume to themselves, merely upon the malignity of the name of Parliament, a power unwarrantable to all understandings; and to disarm us, and to make Orders, evidently and demonstrably contrary to all known law and reason, as to take up arms against us, under colour of their Ordinances, to levy Money to be brought into them, and for our own Money to be paid to them, to their use, under colour that we are not able to rule, to fight us, and starve us for our own good, and by our own power and authority, which cannot, in short time, make the greatest court, and the greatest persons, cheap and contemptible. Who those sensible men are in Parliament, of the violations of the Privileges of Parliament, and the common Liberties of the Subject, who have been betrayed and quitted by Malignant Men and Devilish Votes, we cannot imagine: and it is to those Orders are so much without the fear of God or man, and so ready to commit all manner of outrage and violence, as is pretended, where government ought to be the more reverenced, which hath kept them from doing us, inasmuch as we believe no person hath cause to complain of any injury, or of any slander in the least degree, by any man about us or who hath offered his service to us. All which being duly considered, if the contrivers of these Propositions and Orders had been truly sensible of the obligation which lies upon them, in honour, conscience, and duty, according to the high trust reposed in them by us and our people, they would not have published such a sense and apprehension of imminent

[illegible] their consciences, [illegible], and indeed only, [illegible] church and state, [illegible] the true profit, [illegible] unanimous declarations [illegible] present heat and [illegible] good subjects [illegible] Duke, to run [illegible] and [illegible] to the [illegible] [illegible] [illegible]

pounded [illegible] how to prevent this new and dangerous project.

The King's Letter to the Citizens of London, forbidding them to lend Money to the Parliament.] June 18. The commons acquainted the lords with a Letter written by the King to the lord mayor, aldermen, and sheriffs of London, which was printed, and desired them to take the said Letter into consideration, and to give order that it might be suppressed, and not dispersed amongst the several companies as was required. This Letter was as follows:

"C. R. Trusty and well-beloved, we greet you well; Where as we have received several informations of great sums of Money endeavoured to be borrowed of our city in London, by some direction proceeding from both our houses of parliament, and likewise that great labour is used to persuade our subjects to use Horse, and to furnish Money, upon pretence of raising a Guard for our parliament: these are to let you know, that (notwithstanding any scandalous Votes which have passed the two houses to declare our intention of levying war against our parliament, and to levy the same against us, *so fully* do we rely upon the [illegible] Almighty God, in our [illegible] Power and Declaration) all our elements and purposes for the publick peace, and the [illegible] least thought of [illegible] [illegible] are [illegible] [illegible] [illegible]

so long as his maj. shall continue those levies and preparations, the lords and commons in parliament, having been so often threatened and reviled for their proceedings about Hull and the Militia, so necessarily undertaken for the good and peace of the kingdom, cannot be secured by his majesty's [illegible] alone, expressed in this and other Declarations, 'That all his desires and purposes are for the public peace, and that he hath not the least thought of using force, except he be compelled to it for the defence of his person and protection of the laws,' seeing his majesty, in a Declaration published at Beverly-Moor, doth interpret the protection of the laws in such a manner, as giveth just and full occasion to believe, that, by protecting the laws, his maj. intendeth force upon, or against, those who shall submit to the Ordinance of the Militia; and because it appears, by divers expressions of his maj. that he hath conceived an intention of making some attempt upon Hull, in both which cases they do declare, That whatsoever violence shall be used, either against those who exercise this Militia, or against Hull, they cannot but believe it as done against the parliament.—And whereas the houses have, upon good, recent grounds, of Money for the service of Ireland, from the companies of the city of London (for which they give them great and hearty thanks) they do declare, That these sums shall be disposed of, as the former have been, to that only service, notwithstanding any insinuation, laying an aspersion upon them as if they had done otherwise. Further: Whereas it is declared, to the great reproach of the parliament, 'That the sums desired towards the raising of Horse and Arms, are contrived upon general pretences, by some few factious persons,' we leave it to the world to judge how it is possible the houses should have all their members, seeing many of them are, by his majesty, summoned to York, and there, contrary to the laws in the land and privileges of parliament, detained, nay, protected, from the justice of both houses.—And, secondly, How that can possibly be called a Faction, which is done by both houses of parliament, the greatest court of England, the most faithful council his majesty hath. But at such language as this they wonder not, considering by what wicked counsel his majesty's affairs are guided, and by what malignant spirits his majesty's affections to the parliament of late have been misled.—Both houses well weighing the premises, do forbid any mayors, sheriffs, bailiffs, or other officers whatsoever, to publish or spread that Paper, as they will answer their contempt to the parliament. And do assure themselves, that neither his majesty's commands, nor his threats, will withdraw or deter men, well affected to the public, from doing their duty; to contributing such Money, Horse, and Plate, as will be necessary for the preserving the being of parliament, the peace of the kingdom, and those other ends beforementioned, for which they are desired. the

[illegible] dangerous and mischievous intentions of some about his maj. being such, that whatsoever is most precious to men of conscience and honour as religion, liberty, and public safety, are like to be overwhelmed and lost in the general confusion and calamity of the kingdom; which will not only ensue, but overthrow the chiefest of the city of London; expose the citizens, their wives, and children, to violence and pillage; and leave the wealth of that famous city as a prey to those desperate and needy persons.—The lords and commons, as they hope by this means those horrid mischiefs may be prevented, so those of the city, which contribute hereunto, (whereof none are so mean and base as to deserve the reproaches cast upon them by that Paper) and all his majesty's good subjects, may be assured that, in doing their duty herein, they shall be protected and secured in their persons, liberties, and estates, by the power and authority of both houses of parliament, according to their former engagements, which they will ever faithfully perform."

The King's Reply.] This Answer was presently followed by a Reply from the King:—

"It seems, by a new Declaration of the 18th of June, in Answer to our Letter of the 14th of the same month, to the lord mayor of London, that the lords and commons in parliament have much more leisure than they pretend; or that those persons, whom we have before described in our former Answers and Declarations, and of whom only we would be understood to speak, think such Declarations and Votes to be such unresistable engines of battery against us and the law, that no strength can oppose them; and therefore, though they will not take notice from whence that Letter came, they will conclude it no other mention but a Paper, (as if found by chance) inscribed, 'To our Trusty and Well beloved, &c.' And it is a wonder that, since they have usurped the supreme power to themselves, they have not taken upon them the supreme style too, and directed this very new Declaration, 'To their trusty and Well-beloved, their subjects of the city of London;' for it is too great and palpable a scorn to persuade them to take up arms against our person, under colour of being loving subjects to our office; and to destroy us, that they may preserve the king.—They are offended that we should believe, 'That their end of persuading our subjects to raise Horse, and to furnish Money upon pretence of a Guard for the parliament, is, in truth, to employ those horse, men, and money, against us.' Let the reasons of our belief be never so strong, and their actions never so evident to compel all other men to believe so too, the lords and commons do declare, (think what you will, and see what you can) 'That the design of those Propositions for raising Men, Horse, and Money, is to maintain the Protestant religion, the king's authority and person in his royal dignity, the free course of justice, the laws of the

[illegible] and [illegible] the liberty of parliament. But

land, the peace of the kingdom, and privileges of parliament, against any force which shall oppose them.' And this all men are bound to believe, though they see the Protestant religion, and the professors thereof, miserably reproached, and in danger of being destroyed by a vicious and malignant party of Brownists, Anabaptists, and other Sectaries (the principal ring-leaders of whom have too great a power, even with some members in both our houses of parliament, for authority despised), and, as much as in them lies, taken from us, and reviled in pulpits and presses by persons immediately in their protection, and at their recommendation; our persons driven by tumults and rude multitudes, against whom we can have no justice; the course of justice interrupted and stopped by Orders and Injunctions, never heard of till this parliament; the laws of the land trampled under foot, and frustrated; new laws attempted to be made, and imposed upon our subjects, without and against our consent; the peace of the kingdom stricken and frighted from its dismounting the laws; absolving men from their allegiance, the people from the rules of government, and obedience, and even declaring the Government, and the laws of the Land, null; the privileges of parliament so far exploded, as to make the bare sounding of privilege of parliament, the liberty and property of the subject in such question, that they dare not make what use they please and in what cases they please of them, and whosoever stands for the ancient rights and liberties of the parliament, and the subject, is presently voted a betrayer of the parliament, and enemy to the commonwealth, and many of such other malignant terms of reproach, as the Rebellion in Ireland, or the rising of the Irish, as soon as it broke out, was first called, to render suspected and odious those who endeavoured, to the best of their power, to suppress it. Such Declarations, and such actions, we have met with, or long expected from you, and resolved to bear with them as long as we could, hoping that you should at length return to the sense of your duty, and to the affections of your people. We have here at large made known unto you our most humble and faithful advices, counsels, and desires, for the best ordering of the militia, and all other things in agitation between us. That all things should be done for the safety of his majesty's person, and the peace of the kingdom, and that, so they proceed in the ways of peace, we are sure those whom you employ cannot be hurt. That the forces raised, and to be raised, would certainly do others harm, than those who shall oppose the ordering of the militia according to the ordinance of parliament, and the preparations we are making, do reside in you, appear to be intended for some great and extraordinary design, and do justify their former Votes of our intention of levying war against our parliament.' And they have not left us without some Reasons for that Vote and Declaration: they find, by our several Declarations, that we intend force against those who shall submit to the Ordinance of the Militia, and that we intend to make an attempt upon Hull: in both which cases they are pleased to declare, 'That whatsoever violence shall be used, either against those who exercise this Militia, or against Hull, they cannot but take it as done against the parliament.' We are beholden to them that they have explained to all our good subjects the meaning of their charge against us, that by our intention of making war against our parliament, no more is pretended to be meant, but our resolution not to submit to the high injustice and indignity of the Ordinance, and the business of Hull. We have never concealed our intentions in either of those particulars, (we wish they would deal as clearly with us) but have always, and do now declare, That that pretended Ordinance is against the law of the land, against the liberty and property of the subject, destructive to several rights, and therefore not consistent with the very constitution and essence of the kingdom, nor with the right and privilege of parliament: that we are bound by our Oath, (and all our subjects are bound by theirs of allegiance and supremacy, and their own Protestation lately taken, to assist us) to oppose that Ordinance, which is already put in execution against us, not only by training and arming our subjects, but by forcibly removing the magazines from the places trusted by the counties, to their own houses, and guarding it there with their own men, whether it will be next removed, and how used by such persons, we leave to consider. That the keeping us out of Hull, by Sir John Hotham, was an act of high treason against us, and this taking away our magazine and munition from us, was an act of violence against us, by what hands, or by whose command soever it was done: and in both cases, by the help of God and the law, we will have recourse unto it in the requiring it, the rather, in that not value at that rate, as to prevent it with the shame of suffering ourself to be expelled out of that dignity we were born to, and it is impossible for our good subjects to have that confidence of ourselves, which the most powerful and strength of our kingdom must have against the parliament, if we should desert them in that contention for the privileges of which, at the last, they must fight with all their malignant spirits, and their own wicked and malicious designs, which we shall and compass the understanding of every person, and that both our houses of parliament will, in short time, discern, by the clearer discovery, and more information we have given of their, how near this flourishing kingdom is brought to ruin and confusion by their persons.—And since neither our Declaration nor the testimony of so many of our loyal subjects with us, can procure credit with these men, but that they proceed to levy Horse, and to raise Money and Arms against us, we are not to be amused, after so many gracious expostulations with them, upon undeniable principles of law and reason, which they never yet answered, but that which we say to be law, is our reason, and so proceed to justify that

which cannot be otherwise defended) at last we make such provision, that, as we have been driven from London, and kept from Hull, we may not be surprized at York; but be in a condition to resist and bring to justice those men, who would persuade our people that their religion is in danger, because we will not consent it shall be in their power to alter it by their Votes; or their liberty in danger, because we will allow no power of that liberty but the known law of the land. And whatever provision we shall be compelled to make for our security, we will be ready to lay down as soon as they shall have received the Ordinance by which they have invited levies, and submit those persons who have detained our towns, carried away our arms, and put the Militia in execution contrary to our Proclamation, to that trial of their innocence the law directs, and to which they were born.—It this be not submitted to, we shall with as good a conscience (and we believe we shall not want the affections of our good subjects to that end) proceed against those who shall presume to exercise that pretended Ordinance for the Militia, and the others who keep our town of Hull from us, as we would resist persons who came to take away our life or our crown from us. And therefore we shall again require and require our city of London to obey our former commands, and not to be misled by the orations of those men, (who are made desperate by their fortunes, to thrust themselves into them) who tell them their religion, laws, and property is to be preserved no other way but by their disloyalty to us. How they are now at the brink of the precipice, and may drive their swords, when both are pushed, into their own civil consciences. Let them examine what excellent fruits of reformation the lives of those men have brought forth, and what great advancers they have been of the public liberty and property. How long they have had those opinions, that they would run all to defend, and how they came to those opinions: let them consider whether their estates come to them, and are settled upon them by Orders of both houses, or by that law which we demand: what security they can have to enjoy their own, when they have helped to rob us, and what a happy conclusion that war is like to have, which is raised to oppress their sovereign: that the wealth and glory of their city is not like to be destroyed any other way, but (and that way inevitably it must) by rebelling against us: nor their wives and children to be exposed to violence and villainy, but by those who make their appetite and will the measure and guide to all their actions. Let them not fancy to themselves melancholic apprehensions, which are capable of no satisfaction; but let them seriously consider what security they can have, that they have not under us, or been offered by us; and whether the doctrines these men teach, and would have them defend, do not destroy the foundations upon which their security is built.—And we do, lastly, declare again, and publish to all the world, That we shall proceed against all persons whatsoever, that shall assist those levies, by furnishing Horse, Money, and Plate, as against the disturbers of the public peace, and the authors of those distractions which threaten the ruin of us and this kingdom."

Ordinance of Parliament for coining of Plate.] How little weight the king's reply had with the parliament, will appear by the following Ordinance, made and agreed to this day, by both houses. "Whereas great quantities of Plate are brought to the treasurers appointed by both houses for the receiving of Plate and Money, according to the desires proposed in the Propositions; it is therefore ordered by the lords and commons in parliament, That the said treasurers shall have power, by virtue of this Order, to melt down the said Plate, and cause it to be forthwith coined and shall likewise have power, from time to time, to melt down and cause to be coined all other Plate as shall, hereafter, be brought in."

Lord Paget's Reasons for leaving the Parliament and going to the King.] June 20. A copy of a Letter from lord Paget was this day entered in the Lords Journals, intitled, 'The Reasons of his departure from Parliament unto the king's most Excellent Majesty at York,' and is in these words:

"It may seem strange that I, who, with all zeal and earnestness, have prosecuted, to the beginning of this parliament, the reformation of all disorders in church and common-wealth, should now, in a time of such great distractions, desert the cause. Most true it is that my ends were the common good; and, whilst that was prosecuted I was ready to lay down both my life and fortune; but, when I found a preparation of arms against the king under the shadow of loyalty, I rather resolved to obey a good conscience than particular ends; and am now on my way to his majesty, where I will throw myself down at his feet, and die a loyal subject. PAGET. June 11, 1642."

We do not find any notice taken of this Letter by the lords; but the same being printed and published by one Hugh Perry, the commons ordered him to be summoned before their house, and he was afterwards committed to the Gatehouse.—We have before taken notice, That the lord Paget had not only accepted of a commission of lord lieutenant of the county of Bucks, in the Ordinance of parliament, but had also appointed his deputy lieutenants. This is confirmed by lord Clarendon with the following additional particulars: "The lord Paget, who had contributed all the facilities to the parliament's service, and to the prejudice of the king's, from before the beginning of the parliament; had been one of their leizers to broach those bold high overtures whereof men were not, at first, willing to be sensible, had, with great pomp and solemnity, executed their Ordinance, in defiance of the king's proclamation; and had subscribed a greater

[illegible] all the lords but [illegible]

number of horses for their service, upon their Propositions, than any other of the same quality", convinced in his conscience, fled from them, and besought the king's pardon and, for the better manifesting the tenderness of his compunction, and the horror he had of his former guilt, he frankly discovered whatsoever he had known of their counsels, and aggravated all the ill they had done, with declaring it to be done to worse and more horrid ends, than many good men believed to be possible for them to propose to themselves."

The King's Answer to the Parliament's 19 Propositions.] June 21 A Letter from the King, directed to the Speaker of the house of lords, with an Answer inclosed to the Nineteen Propositions from the parliament for grace, (see p. 1134), was read in the house of lords, and ordered to be sent down to the commons. This Answer begins with a long recapitulation of all the arguments, before urged, in his majesty's Messages and Declarations to the parliament, which we have already printed: of these, therefore, we shall content ourselves with lord Clarendon's Abridgment, giving only such passages at large, as are direct Answer to the Propositions themselves.

"The king first reminded the parliament of the method they had observed in their proceedings to avoid him. That they had first totally suppressed the known laws of the land, and denied his power to interpose by refusing new ones, reducing him to act by the rules of their own Declarations and Votes: that they had possessed themselves of his Navy, Forts, and Militia, and armed his subjects with pretensions of being employed in his defence, but with resolutions and endeavours, by their tenderness of his person and their own just grievances, to divert him from those violations of the laws, by the breach whereof every subject of the kingdom was become a humble Petition to him for relief: that when he did, it was difficult to the last degree to be granted by them, and burnished by the circumstances with which they had restrained him, [illegible] dinary and necessary [illegible] seized upon those small sums [illegible] his credit had procured [illegible] injunctions that he should [illegible] to be conveyed, or remitted [illegible] York, or to any of his parts or [illegible] him; so that, in truth, they had blocked up in that county all that they had the revenues of his people with Forts and Garrisons (though taken up upon trust) and Ships of War, Salt-Fleets, and such like, by which they might prepare them to receive such impressions, as might best advance their design, when it should be ripe. And now, it seemed, they thought his majesty sufficiently prepared for those bitter pills; that he was in a handsome posture to receive those humble desires; which probably, were intended to make way for a subscription of a yet higher nature, for they did not tell him, this was all. He said, he must observe that those Contrivers, (the better to advance their true ends in those Propositions) disguised, as much as they could, their intents with a mixture of some things really to be approved by every honest man; others, seeming popular, and some which were already granted by his majesty: all which were cunningly twisted and mixed with those other things of their main design, of ambition and private interest, in hope that, at the first view, every one might not so clearly discern them in their proper colours.—His majesty said, in the 1st, 2d, 3d, 4th, 5th, 6th, 10th, 11th, 12th, and 14th Demands had been willingly granted in a tongue unknown to his honest, and his people, it might have been possible that some of them might have, certainly, believed the Propositions to be such as might have been in order to the ends pretended: such [illegible] truth, "The Establishment of his honour and rights, the welfare and security of his subjects and his dominions; the removing [illegible] differences which were said to have unhappily fallen between him and [illegible] people, and providing [illegible] future and constant [illegible] peace and happiness," [illegible] declared by all, he [illegible] such evil that it pro- [illegible] Propositions, would [illegible] the de- [illegible] with the [illegible] his illegible] Honourable ancestors, [illegible] that power [illegible] from whom [illegible] people and [illegible] is to [illegible] than it [illegible] here [illegible] Commissioners [illegible] the [illegible] keep [illegible] the mention of [illegible] unparalleled [illegible] which [illegible] particular [illegible] too [illegible] would put into the flowers of his crown as were harsh in the rest of the garland, and had been unmeet to have been so many successive, and had been found so useful and necessary for the welfare and security of his subjects, for any present necessity, or for any low and sordid considerations of wealth and gain, and therefore all men knowing that those accommodations are most easily made, and most exactly observed, that are grounded upon rea-

* This circumstance is greatly exaggerated by the noble historian, as appears by the foregoing List (p. 1362), of the subscribing Peers as it stands in their Journals.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

sonable and equal conditions, his maj had great cause to believe that the contrivers of those Propositions had no intention of settling any firm accommodation; but to increase those jealousies, and widen that division, which, not by his majesty's fault, was now unhappily fallen between him and both houses.—It was asked, 'That all the lords and others of his privy council, and such great officers and ministers of state, either at home or beyond the seas, (for, he said, care was taken to leave out no person or place, that his dishonour might be sure not to be bounded within this kingdom) should be put from his privy council, and from those offices and employments, unless they should be approved by both houses of parliament,' how faithful soever his majesty had found them to him and to the public: and how far soever they had been from offending against any law, the only rule they had, or any others ought to have, to walk by. His majesty, therefore to that part of that demand, returned this Answer, 'That he was willing to grant that they should take a larger Oath, than they themselves desired in their 11th Demand, for maintaining (not of any part, but) the whole law. And, he said, he had and did assure them, that he would be careful to make election of such persons in those places of trust, as had given good testimonies of their abilities and integrities, and against whom there could be no just cause of exception, whereon, reasonably to ground a diffidence. That if he had or should be mistaken in his election, he had and did assure them, that there was no man so near to him, in place or affection, whom he would not leave to the justice of the law, if they should bring a particular charge and sufficient proof against him: that he had given them a Triennial Parliament, (the best pledge of the effects of such a promise on his part, and the best security for the performance of their duty on theirs) the apprehension of whose justice would, in all probability, make them wary how they provoked it, and his maj wary, how he chose such as, by the discovery of their faults, might, in any degree, seem to discredit his election: but that, without any shadow of a fault objected, only, perhaps, because they follow their consciences, and preserve the established laws; and agree not in such Votes, or assent not to such Bills, as some persons, who had then too great an Influence even upon both houses, judged, or seemed to judge, to be for the public good, and as were agreeable to that new Utopia of Religion and Government, into which they endeavoured to transform this kingdom, (for, he said, he remembered what names, and for what reasons, they left out of the bill offered him concerning the Militia, those which themselves had recommended in the Ordinance) he would never consent to the displacing of any, whom, for their former merits, and their affection to his maj and the public, he had entrusted, since, he conceived, that to do so would take away both from the affection of his servants, and care of his service, and the honour of his justice. and, he said, he the more wondered, that it should be asked by them, since it appears by the 12th Demand, that themselves counted it reasonable, after the present turn was served, that the judges and officers, who were then placed, might hold their places, quamdiu se bene gesserint: and he was resolved to be as careful of those whom he had chosen, as they were of those they would chuse, and to remove none, till they appeared to him to have otherwise behaved themselves, or should be convicted, by legal proceedings, to have done so.—But, his majesty, said, that Demand, as unreasonable as it was, was but one link of a great chain, and but the first round of that ladder, by which his majesty's just, ancient, regal power was endeavoured to be fetched down to the ground, for it appeared plainly, that it was not with the persons now chosen, but with his majesty's chusing, that they were displeased for they demanded 'That the persons put into the places and employments of those who should be removed, might be approved by both houses,' which was so far from being less than the power of nomination, that of two things, of which he would never grant either, he would sooner be content, that they should nominate, and he approve, than they approve, and his majesty nominate, the mere nomination being so far from being any thing, that if he could do no more, he would never take the pains to do that; when he should only hazard whom he exposed to the scorn of a refusal, if they happened not to be agreeable not only to the judgment, but to the passion, interest, or humour of the present major part of either house. not to speak of the great factions, animosities, and divisions which that power would introduce in both houses, and in the several counties, for the choice of such persons to be sent to that place where that power was, and between the persons that were so chosen. Neither was that strange potion prescribed to him only for once, to the cure of a present, pressing desperate disease, but for a diet to him and his posterity. It was demanded, 'That his councillors, all chief officers both of law and state, commanders of forts and castles, and all peers hereafter made, be approved of;' that is chosen 'by them from time to time' and rather than it should be ever left to the crown, (to whom it only did, and should, belong) if any place fall void in the intermission of parliament, the major part of the approved council was to approve them' Neither was it only demanded that 'his majesty should quit the power and right his predecessors had of appointing persons in those places;' but for councillors, he was 'to be restrained as well in the number as in the persons,' and a power must be annexed to those places which their predecessors had not And, indeed, if that power were passed to them it would not be fit he should be trusted to chuse those who were to be trusted as much as himself.—He told them, to grant their Demands in the manner they proposed them, 'That all

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matters that concerned the public, &c. should be resolved and transacted only in parliament; and such other matters of state, &c. by the privy council so chosen,' was, in effect, at once to depose himself and his posterity. He said, many expressions in their demands, had a greater latitude of signification than they seemed to have; and that it concerned his majesty therefore the more that they should speak out that both he and the people might either know the bottom of their demands, or know them to be bottomless. Nothing more concerned the public, and was indeed more proper for the high court of parliament, than the making of laws; which not only ought there to be transacted, but could be transacted no where else. But then they must admit his maj. to be a part of the parliament; they must not (as the sense was of that part of that demand, if it had any) deny the freedom of his Answer, when he had as much right to reject what he thought unreasonable, as they had to propose what they thought convenient or necessary. Nor was it possible his Answers, either to Bills or any other Propositions, should be wholly free, if he might not use the liberty that every one of them, and every subject, took, to receive advice (without their danger who should give it) from any person, known or unknown, sworn or unsworn, in those matters in which the manage of his vote is trusted, by the law, to his own judgment and conscience; which how best to inform was, and ever should be, left likewise to him. He said, he would always, with due consideration, weigh the advices both of his Great, and Privy Council, yet he should likewise look on their advices as advices, not as commands or injunctions; upon them, as his counsellors, not as his tutors or guardians, and upon himself, as their king, not as their pupil or ward: for, he said, whatsoever of regality was, by the modesty of interpretation, left in his majesty in the first part of the second Demand, as to the parliament, was taken from him to the second part of the same, and placed in that new-fangled kind of counsellors; whose power was such, and so expressed by it, that in all public acts concerning the affairs of the nation, which are proper for the Privy Council (for whose advice all public acts are sometimes proper, though never necessary) they were desired to be a limited joint-patentees with his maj. in the regality: and it was not plainly expressed, whether they meant his majesty so much as a single Vote in those affairs; but it was plain they meant him no more, at most, than a single Vote in them, and no more power than every one of the rest of his fellow-counsellors.—And so, after a sharp discourse and explanation of the unreasonableness of the several Demands, or the greatest part of them; and the confusion that, by consenting thereunto, would redound to the subject in general, as well as the dishonour to his majesty, he told them, 'To all those unreasonable Demands, his Answer was, 'Nolumus Leges Angliæ mutari:' but renewed his promise to them for a very punctual and strict observation of the known laws established, to which purpose he was willing an oath should be framed by them, and taken by all his privy counsellors. And for any alteration in the government of the church, that a National Synod should be called, to propose what should be found necessary or convenient: and that, for the advancement of the Protestant religion against the Papists, they had not proposed so much to his majesty as he was willing to grant, or as he had himself offered before. He concluded with conjuring them, and all men, to rest satisfied with the truth of his professions, and the reality of his intentions, and not to ask such things as they denied themselves: that they would declare against Tumults, and punish the authors: that they would allow his majesty property in his towns, arms, and goods; and his share in the legislative power; which would be counted to him, not only breach of privilege but tyranny, and subversion of parliaments, to deny to them: and, when they should have given him satisfaction upon those persons who had taken away the one, and recalled those Declarations (particularly that of the 20th of May, and those in the point of the Militia, his just rights wherein he would no more part with than with his crown, less be enable others, by them, to take that from him) which would take away the other: and declined the beginnings of a war against his majesty, under pretence of his intention of making one against them: as he had never approved the first part of the 13th Demand, so he would be ready to concur with them in the latter; and being their confident that the credit of those men, who desire a general combustion, would be so weakened with them, that they would not be able to do this kingdom any more hurt, he would be willing to grant his General Pardon, with such exceptions as should be thought fit; and should receive much more joy in the hope of a full and constant happiness of his people in the true religion, and under the protection of the law by a blessed union between his majesty and his parliament, than in any such increase of his own revenue, how much soever beyond former grants, as, when his subjects were wealthiest, his parliament could have settled upon his majesty."

The Lord Lanark's Petition to the King, in favour of the Yorkshire Petition, which he had refused.] June 15. The King's Answer to the parliament's Petition, presented to him on the 17th of this month, in favour of the Yorkshire Petition, which the king had refused to receive from the hands of Sir Thomas Fairfax, at Heworth-Moor, was read. The said Answer, with the Petition that occasioned it, were as follows:

To the King's most excellent majesty; The Humble Petitions of the Lords and Commons in Parliament assembled.

"Your majesty's most humble and faithful subjects, the lords and commons assembled in

parliament, have lately received a Petition from a great number of the Gentry, Freeholders, and other Inhabitants of the county of York, assembled there by your majesty's command, the 3rd of June; wherein they desire unto us, 'That, having taken a resolution to address themselves unto your majesty in the humble way of a Petition, for the redress of those Grievances which they now lie under, they were violently interrupted and tumultuously therein by the earl of Lindsey, the lord Saville, and others; and notwithstanding the means they could use to present their petitions to your maj. yet they could not prevail with your maj to accept of their Petition,' the copy whereof they have sent to us, with an humble desire, that we would take such course therein as may tend to the preservation of their liberties, and the peace of the kingdom, and that we would address ourselves to your maj. in their behalf, that, by our means, their desires may find better acceptation with your majesty.—Whereupon his majesty's wisdom weighed and considered the particulars of those their Complaints and Desires, as they are laid down in their Petition; and finding that the Grievances, they complain of, are the increase of the Miseries formerly sustained by that county, (which hath well nigh for 3 years last past, been the magical stage of armies and men by reason of your majesty's distance in residence, and difference in counsels, from your Great Council the Parliament, begetting great distempers and distractions throughout the kingdom, and especially in that county, the drawing to those parts great numbers of discontented persons, that may, too justly, be feared to affect the public ruin for their private advantage; the drawing together of many companies of Trained Bands, and others, both of horse and foot, of that county, and returning multitudes of commanders and cavaliers from other parts; the daily resort of Recusants to your majesty's court at York, the great preparations of arms and other warlike provisions in the great terror and amazement of your majesty's peaceable subjects, and causing a great decay in trade and commerce amongst them all and every of which particulars are against the law, which your majesty hath made so many and so frequent protestations to uphold and maintain.—The lords and commons finding, on the other side, their humble desires to be, 'That your majesty would hearken to your parliament, and, declining all other counsels whatsoever, unite your confidence to your parliament; and that your majesty would not divide your subjects joint duty to your majesty, the parliament and kingdom; nor destroy the essence of your Great Council and Highest Court, by subjecting the determinations and counsels thereof to the counsels and opinions of any private person whatsoever, that your majesty having passed an act that this parliament shall not be dissolved but by act of parliament, your maj. would not do any thing tending thereunto, by commanding away the lords and great officers, whose attendance is necessary thereunto: and that your majesty having expressed your confidence in the affections of that county would please to dismiss your extraordinary Guards, and the Cavaliers and others of that quality, who seem to have little interest or affection to the public good; their language and behaviour speaking nothing but division and war, and their advantage consisting in that which is most destructive to others' And, lastly, 'That in such Consultations and Propositions as your majesty maketh to that county such may not be thrust upon them as men of that county, that neither by their fortune or residence are any part of it.' All which their humble and most just desires being according to law, which your majesty hath so often declared should be the measure and rule of your government and actions and we, your majesty's most faithful subjects, the lords and commons, fully concurring with the gentlemen and others of the county of York, in their assurance That those desires of theirs will abundantly redound to the glory of God, the honour and safety of your majesty, the good of your posterity and the peace and prosperity of this kingdom, do humbly beseech your maj. graciously to hearken unto them, and to grant them; and that you would join with your parliament in a speedy and effectual course, for the preservation of their liberties, and the peace of the kingdom; which duty, as we are now called upon by that county to discharge, so do we stand engaged to God and man for the performance thereof, by the trust reposed in us, and by our solemn Vow and Protestation; and your majesty, together with us, stands engaged by the like obligation of trust, and of an Oath, besides the many and earnest professions and Protestations which your maj. hath made to this purpose, to your whole kingdom in general, and to that county in particular; the peace and unity of this kingdom, (as is well observed by those gentlemen and free-holders of Yorkshire in their Petition) being the only visible means, under God, wherein consists the preservation of the Protestant religion, the redemption of our brethren in Ireland, and the happiness and prosperity of your majesty, and of all your dominions."

The King's Answer.] The King's Answer to the foregoing Petition of both houses, was as follows:

"His majesty hath carefully weighed the matter of this Petition, presented to him at York, on Friday the 17th of June, by the lord Howard, sir Hugh Cholmley, and sir Philip Stapylton and though he might refer the petitioners to his two last Declarations, wherein most of the particulars in this Petition are fully answered, or might refuse to give any Answer at all, till he had received satisfaction in the high indignities he hath so often complained of, and demanded justice for; yet, that all the world may see how desirous his maj. is to leave no act, which seems to carry the reputation of both his houses of parliament, and in

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the least degree to reflect upon his majesty's justice and honour, unanswered, is graciously pleased to return this Answer —That in the Petition, mentioned to be presented to both houses of parliament, had been annexed to this now delivered to him, his majesty might have discerned the number and the quality of the petitioners, which his maj. hath great reason to believe, was not in truth so considerable as is pretended; for his maj. assures you, that he hath never refused any Petition so attested as that would be thought to be but his maj. well remembers, That on the 3rd of June, when there was, upon his majesty's Summons, the greatest and most cheerful concourse of people that ever was beheld of one county, appearing before him at York, a gentleman (one sir Thomas Fairfax) offered, in that great confluence, a Petition to his majesty; which his majesty seeing to be avowed by no man but himself, and the general and universal acclamations of the people seeming to his hum. did not receive; concerning it not to be of a public nature, as to be fit to be presented or received in that place. And his maj. is most confident (and in that must appeal to those who were then present) that whatever the substance of that Petition was, it was not consented to by any considerable number of gentry, or freeholders of this county, but solicited by a few mean inconsiderable persons, and disliked and visibly discountenanced by the great body of the known gentry, clergy, and inhabitants of this whole county. And if the matter of that Petition were such as is suggested in this, his majesty hath great reason to believe it was framed and contrived by many others of such nature here lately in London, not in Yorkshire. For sure no gentleman of quality and understanding, in this county, would talk of his great preparations of Arms, and other warlike provisions, to the great terror and amazement of his peaceable subjects, when they are witnesses of the violent taking his arms from him, and stopping all ways for bringing more to him; and it can were no greater terror and amazement to his majesty's peaceable subjects, to hear of such preparations and provisions, there were to be more cause to complain of a great Decay of Trade and Commerce there, than in any place. But his maj. hath great assurance of the fidelity and general affection of his subjects of this county, (which he hopes will prove exemplary over his whole kingdom) that he hath great cause to believe, that they do rather complain of his majesty's unkindness and of his slowness, that whilst there is such endeavour abroad to raise Horse, and to provide Arms against his majesty, and that endeavour put in execution, his maj. trusts so much to the justice of his cause and the affection of his people; and neglects to provide strength to assist that justice, and to protect those intentions. For any affront offered, by the act of Lindsey and the lord Saville, to those who intended to petition his majesty, his maj. wishes that both his houses of parliament would have examined that information, and the credit of the informers, with that gravity and deliberation, as in cases which concern the innocence and honour of persons of such quality hath been accustomed; before they had proscribed two peers of the realm, and exposed them (as much as in them lay to the rage and fury of the people, under the character of being enemies to the common-wealth, a brand never found out (and of no legal signification) in the sense the people by, and with which the simplicity of former times was not acquainted: and then his maj. hath some reason to believe they would have found themselves as much mistaken in the report concerning those lords, as they are sure they are in those which tell them of 'the Resort of great numbers of discontented persons to him,' and of the other parliament, mentioned to be in that Petition: Whereas they who observe what resorts here to his majesty, well know it to be of the prime gentlemen of all the counties in England; who bring nothing but the love of Religion, the care of the laws and liberties of the kingdom, besides their affection to his person, could engage them to get journies, trouble, and expence. Men of as precious reputation, and as exemplary lives as this nation hath any, whose assistance he may hereafter be sure not to expect, if he should have the least design against human and justice, and such witnesses he may desire in love of all his actions.—For the declining all other Counsels, and the uniting of his confidence to his parliament,' his majesty tells us, 'is both houses of parliament seriously and soundly to consider, If not it is not the Council or Cabal, or Little Council that makes the results of that council just or unjust; and if any imputation upon his majesty, or his Regal power in his parliament,' (especially since all their actions, and all their votes are exposed to the public view long before his good subjects, except in trust they were of particular sound advice, necessary to the peace and happiness of the common wealth, be published by his majesty, and such an insight into them as is most assured, neither can nor will be given, and that they will think it treason in his majesty, and to the common-wealth, to desire such counsels should persuade him to any thing without the Three Estates; and that his majesty's negative voice, to allow them a power superior to that which the law hath given him, whensoever it pleases the major part present of both houses to say, 'That he will not change his trust, as he ought,' and betwixt his majesty and his subjects, unquestionable right and property to their Votes, whom, and against law, upon the mere pretence of necessity. And in this city must speak to all the world what it is, 'their endeavour to direct the right duty of his subjects,' his majesty, who requires nothing but their own duty, guided by the known rule of the law, leads them to [illegible] they, who, by Order and Vote of [illegible] and contradictory to law, custom, precedent, and

[illegible]

reason) so confound the affections and understandings of his good subjects, that they know not how to balance themselves, with honesty and safety; whilst their conscience will not suffer them to submit to the one, or their security to apply themselves to the other.—It is not the bare saying, 'That his majesty's actions are against the law,' (with which he is reproached in this Petition, as if he departed from his often Protestations to that purpose) must conclude him; there being no one such particular in that Petition alledged, of which his majesty is in the least degree guilty. Whether the same reverence and esteem he paid by you to the law, (except your own Votes be judges) need no other evidence than those many, very many Orders, published in print, both concerning the church and state; those long imprisonments of several persons, without hearing them, upon general information; the great unlimited fees to your officers, worse than the imprisonment, and the arbitrary censure upon them when they are admitted to be heard: let the law he judge by whom it is violated.—For that part of the Petition which seems to accuse his majesty of a 'Purpose to dissolve this parliament,' (contrary to the act for the continuance) 'by commanding away the lords and great officers, whose attendance is necessary:' This his majesty well knows to be a new calumny, by which the grand contrivers of ruin for the state hope to seduce the minds of the people from their affection to, or into jealousy of, his majesty; as if he meant, this way, to bring this parliament (which may be the case of all parliaments) to nothing. It is not possible for his majesty more to express his affection to, and his resolution for, the freedom, liberty, and frequency of parliaments, than he hath done. and whoever considers how visible it must be to his majesty, That it is impossible for him to subsist without the affections of his people, and that these affections cannot possibly be preserved, or made use of, but by parliaments, cannot give the least credit, or have the least suspicion, that his maj. would chuse any other way to the happiness he desires for himself and his posterity, but by parliaments.—But for his calling the lords hither, or any others absenting themselves who have not been called, whoever considers the Tumults (which no Votes or Declaration can make to be no Tumults) by which his maj. was driven away, and many members of either house in danger of their lives; the demanding of the names of those lords, who would not consent to their Propositions, by a Message from the house of commons delivered at the bar by Mr. Hollis; with that most tumultuous Petition in the name of many thousands, (among many others of the same kind) directed to the house of commons, and sent up by them to the house of lords, taking notice of the prevalency of a Malignant faction which made abortive all their good motions that tended to the peace and tranquility of the kingdom, desiring that those noble worthies of the house of peers, who concurred with them in their happy Votes, might be earnestly desired to join with that honourable house, and to sit and vote as one intire body; professing, That unless some speedy Remedy were taken for the removal of such obstructions as hindered the happy progress of their great endeavours, their petitioners should not rest in quietness, but should be enforced to lay hold of the next Remedy which was at hand, to remove the disturbers of their peace; and (want and necessity breaking the bounds of modesty) not to leave any means unessayed for their relief: adding, that the cry of the Poor and Needy was, That such persons who were the obstacles of their peace, and hindarers of the happy proceedings of this parliament, might be forthwith publickly declared; whose removal, they conceived, would put a period to these distractions. Upon which, a great number of lords departing, the Vote, in order to the Ordinance concerning the Militia, was immediately passed; though it had been twice before put to the question, and rejected by the votes of much the major part of that house. And whoever considers the strange Orders, Votes, and Declarations which have since passed, to which whoever would not consent, that is, with freedom and liberty of language protest against, was in danger of censure and imprisonment, will not blame our care in sending for them, or theirs in coming, or absenting themselves from being involved in such conclusions. Neither will it be any objection, 'That they stayed there long after any Tumults were, and therefore that the Tumults drove them not away.' If every day produced Orders and Resolutions as illegal as, and indeed but the effects of, the Tumults, there was no cause to doubt the same power would be ready to prevent any opposition to those Orders after they were made, which had made way and preparation for the proposition of them; and so whosoever conceived himself in danger of future Tumults (against which there is not the least provision) was driven away by those which were past. And his majesty hath more reason to wonder at those who stay behind, after all his legal power is voted from him, and all the people told, 'That he might be, with modesty and duty enough, deposed,' than any man hath at those who have been willing to withdraw themselves from the place where such desperate and dangerous positions are avowed. This his majesty doth not mention, with the least thought of lessening the power or validity of any act to which he hath given his assent this parliament; all and every of which he shall as inviolably observe, as he looks to have his own rights preserved; but to shew by what means so many strange Orders have of late been made: and to shew how earnestly his maj. desires to be present with, and receive advice from, both houses of parliament, (against whom it shall never be in the power of a Malignant party to incense him) his maj. again offers his consent That both houses may be adjourned to any

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other place which may be thought convenient, where his maj will be present, and doubts not but the members of either house will make a full appearance, and even the intermission, which must attend such an adjournment, may not be the least means of recovering that temper which is necessary for such debates.—And this his majesty conceives to be so very necessary, that if the minds and inclinations of every member of either house were equally composed, the licence is so great that the mean people about London and the suburbs have taken, that, both for the liberty and dignity of parliament, that convention, for a time, should be in another place. And sure, how much soever the safety and security of this kingdom depends on parliaments, it will never be thought that those parliaments must of necessity be at Westminster.—His majesty's confidence is no less [illegible] hath expressed (and hath great cause to express) in the affections of this county; an assurance of which affections all men knew his Guard (which is not extraordinary) to be; and wonders that such a legal Guard, at his own charge, for his person, (within 20 miles of a Rebellion, and of an army in pay against him) should be objected to by those, who, for so many months, and in a place of known and confessed security, have, without and against law, kept a Guard for themselves, at the charge of the common-wealth, and upon that stock of money which was given for the relief of the miserable and bleeding condition of Ireland, or the payment of the great debt due to our kingdom of Scotland.—For the resort of Papists to the court; his majesty's great care for the prevention thereof is notoriously known. That when he was informed two or three of his intended Guard were of that religion, he gave special direction, with expressions of his displeasure, that they should be immediately discharged; and provided that no person should attend on him, under that relation, but such as took the oaths of allegiance and supremacy, that he commanded the sheriff to proceed with all severity, according to the law, against all Papists that should come within 5 miles of the court; and if, notwithstanding this, there be any Papists near the court, (which his maj assures you he knows not, nor hath heard, but by this Petition) he doth hereby command them to depart, and declares to all officers and ministers of justice, that they shall proceed strictly against them, according to the law, and as they will answer the contrary at their perils.—For the language and behaviour of the Cavaliers (a word, by what mistake soever it seems, much in disfavour) there hath not been the least complaint here; and therefore it is probable the fault was not found in this county. Neither can his majesty imagine what is meant by the mention of 'any men thrust upon them, in such consultations and propositions as his majesty makes to this county, who are neither by their fortune or residence, any part of it;' and therefore can make no Answer to it.—To conclude; his majesty assures you, he hath never refused to receive any Petition, (whether you have or not yourselves best know) and will consider what reputation it will be to you of justice or ingenuity to receive all Petitions, how senseless and scandalous soever, of one kind, under the pretence of understanding the good peoples minds and affections; and not only refuse the Petition, but punish the petitioners of another kind, under colour, That it is a crime, that they are not satisfied with your sense; as if you were only trusted by the people of one opinion, to take all pains to publish and print Petitions which agree with your wishes, though they were never presented, and to use the same industry and authority to keep those, that indeed were presented and avowed, from being published, (though by our own authority) because the argument is not pleasant to you, to pretend Impartiality and nullity, yet to express the greatest passion and affection in the order of your proceedings, and no less error and misunderstanding in your judgments and resolutions.—He doth remember well the obligation of his trust, and of his oath; and desires that you will do so too, and your own solemn vow and Protestation; and then you will not only think it convenient, but necessary, to give his maj a full reparation for all the scandals laid upon him, and all the scandalous positions made against him; and that it is less dishonour to retract errors, than, by allowing, to confess the malice of them; and will see this to be the surest way for the preservation of the Protestant religion, the redemption of your brethren in Ireland, the happiness and prosperity of yourselves, and all our dominions, and of the dignity and freedom of parliament."

The foregoing Petition and Answer being read, the Lords resolved to desire a conference with the commons thereupon, 'Being (as it is expressed in their Journals) a matter the most dangerous and highest that ever came to them; whereby it appeareth, that divers scandalous and false Informations were come to his majesty's ears, even of things within their own walls, which, because he seemed to believe and declare to the world, under his own hand, it was high time for both houses to clear themselves from those aspersions, by the punishment of those false Informers, and by all other good ways that can be thought of.' This was to be the subject of the conference.—It was also ordered, "That it be referred to the committee, formerly appointed to clear the house from the Imputations laid on them in his majesty's Messages, to collect all the Falsities and Scandals contained in this and the other Messages; to set them forth in one Declaration; and to shew the several Violations of the Laws, since the professions to the contrary; yet notwithstanding to express their duty to his majesty, and their care of the peace; and to declare, that the house does intend to go on with the Propositions, and that, at the time of these sharp Messages, there is a gathering of forces together, and a design to

[illegible] [illegible] [illegible]

fortify Newcastle; and to shew what necessity there is, upon these occasions, to stir up the people to their subscriptions."

The Lord Mayor, &c. censured for dispersing a Proclamation of the King.] A Proclamation of the King against levying of Horse, bringing in of Money, Plate, &c. for the service of the parliament, having been attempted to be proclaimed in London, and, by order of the lord mayor, posted up at the usual places in the city, the sword bearer, who did it, was sent for, and committed to the Tower. The lord mayor and sheriffs were also ordered to attend the house the next day: but the lord mayor, at his appearance, averring, That he was bound by his oath, to execute any writs from the king, he was told by the Speaker, in the name of the house, 'That he was not bound, by any oath, to execute any writ against law, and that they required him not to publish any thing of that kind, before he had acquainted the parliament therewith; as he would answer the contrary at his peril.'

Debate on the Nineteen Propositions.] June 27. The commons took into consideration their 19 Propositions to the king for peace, and his Answer to them: and, in a full house, it was resolved, 1. 'That the house should not insist upon naming the lord high steward of England, mentioned in the third Proposition.' 2. 'That the house shall insist upon the lord chancellor, or lord keeper of the great seal, to be always chosen with the approbation of both houses of parliament.' The like Resolutions were separately made on the parliament's nomination of the lord treasurer, lord admiral, lord lieutenant or governor of Ireland, master of the wards, the two chief justices and the chief baron, but they gave up to the king the election of the lord privy-seal, the earl marshal, warden of the Cinque-Ports, chancellor of the Exchequer, and the two secretaries of state.

Informations from Newcastle.] July 1. At a conference the commons communicated an abstract of some Letters they had received from Newcastle, dated the 22d and 23th of June, which were as follows.

"We fear a storm, and we see it already begun. The earl of Newcastle came here on Friday last, to be governor of Newcastle. He hath taken up a great many soldiers and our town is now guarded. Capt. Legatis there with a great many debauched commanders, and drums go about for all soldiers that will serve the king and parliament, as they say; they refuse none, whatsoever condition they be of. 300 soldiers are sent down to Tinmouth castle to guard it; and they have all arms given them out of the magazine here in this town: there are great guns going down to them, six pieces: they are casting up trenches as fast as may be: there is a fort making at the Haven Mouth, that no ships can go in or out without their leave. We never lived in the like fear which now we live in. The earl of Newcastle, who is lord-lieutenant, hath forced all his tenants to take up arms; and there is many of [illegible] sir Wm. Widdrington's own tenants have taken arms. Sir Wm. is now in parliament; but his chief steward brought them in. I was down at Shields and saw the trenches myself. Yesterday all the constables in this town were commanded to go through their several wards, and take notice what arms are in them, and to give a list to the lord-lieutenant. They have got engineers out of Germany, and gunners for their great guns. The earl of Newcastle came hither last week, and, in his way, gave out a warrant to the sheriff and other officers of the county of Durham, to send here 100 horse, and 500 foot with their officers. There are come in, of the earl's and sir Wm. Widdrington's tenants, about 200, and have taken arms much against their wills. At Durham the drum beat up, they said, for the king; but since they came here, it is struck up for the king and parliament. The earl is making forts at Shields. There is divers of the great ordinance removed to the key-side to be sent down. There is here an expectation of some direction from parliament to countermand them; and if speedy course were yet taken, it might reduce all that is done."

Upon this both houses came to the following Resolutions: "First, was represented the inconveniences and danger, by bringing of soldiers into Newcastle, as, That it was an easy receptacle for foreign forces. A receptacle, also, for such ill-affected persons as might repair thither out of the south parts of Scotland. They would have the power of restraining the trade of sea-coal, and enhancing the price, having the entire command over them. The well-affected people there would be too much discouraged, as they had been too much already, by putting in these forces; and the Papists, thereabouts, would be much encouraged, wherewith Northumberland and the bishoprick do much abound, and the party of malignant clergy, which is strong there also, would be ready to join with them. Lastly, The fear of begetting a jealousy between the two nations of England and Scotland, and breaking the Pacification. Next, For the illegality of this proceeding, it was done by a Warrant from the earl of Newcastle, to the sheriff, deputy-lieutenants, &c. of the bishoprick of Durham; reciting a Warrant of his majesty's, who had made him lord-lieut. of the counties of Northumberland and Durham, and governor of Newcastle, and giving him power to place a garrison there. This was illegal, because all such commissions of lieutenancy, &c. were declared to be against law. The drawing of armed men, out of one county into another, by any Warrant, as this was, is also against law. The Remedy proposed for this, was, first, To set out a Declaration against this illegal proceeding. Next, To command the inhabitants of the counties of Durham and Northumberland, not to suffer such forces to go out of their counties, nor to send any such into Newcastle; with an inhibition to the inhabitants of that place to receive any. That

[illegible] intelligence received by the Harvest of Southampton [illegible] the Hull

two of the king's ships should be sent to guard the mouth of the Tyne, and to receive and execute, from time to time, the directions of parliament, for the preservation of that place, and prevent the inconveniences that may happen from the new built fort."

The king's Commission of Array having been proclaimed and published in London, it was ordered, That the lord mayor, the sheriffs, the mace-bearer, and all other officers that had any hand in this Proclamation, should attend the house the next morning and a Declaration of parliament having been framed, by the commons, against the said commission, it was agreed to by the lords and ordered to be forthwith printed and published. An Ordinance was made to constitute Robert earl of Warwick commander in chief over all the Fleet, now at sea, with a full commission to remove or displace all officers whatsoever, &c. instead of the earl of Northumberland, who is therein styled a person of known integrity and honour, whom the kingdom might safely confide in, but lately discharged, by the king, from being lord high admiral of England.

Orders, &c. relating to the command of the Fleet.] July 4. At a conference of both houses, a Letter sent from the king to the earl of Warwick was read, importing "That whereas his majesty had discharged the earl of Northumberland from being lord high admiral of his Fleet, it was to charge the said earl, on his allegiance, and as he tendered the peace of the kingdom, to give over and relinquish the command he had, or pretended to have, [out] of the king's ships, since it was generally known, that, by the laws of the land, it was no less than high treason, for any private subject, to detain any of his majesty's ships contrary to his commands.—Then were read sworn of such officers, as at a council held on board the James against the coming of the Ordinance of parliament, and the earl of Warwick's commission, to the number of fourteens and six masters. As, John [illegible] captain Robert Slingsby, captain [illegible] R. Hogg, and captain Balthazar Wake. Then each of them to the end, as he set [illegible] read in the house, declared, "That the all recent loyal professions of his majesty therefore they could not do it upon command." On which they were ordered by the house to be sent for as delinquents, and that if they refused to come, the earl should [illegible] them to be apprehended, and to [illegible] persons of trust in their room.

Persons punished for aspersing the Parliament.] Many persons were, at this time, summoned as delinquents by each house for disrespectful words used against particulars in [illegible] or the proceedings of parliament, and punished by fine and imprisonment. Two were tried this day at the lords bar; one of them, Mr Windebank, for saying, "That Mr. Pym had taken a Bribe of 30*l.* sitting in the chair in Easter Term: that he had as many sugar loaves given for bribes, as he had sold for 6 or 700*l.* and that before he was a parliament-man he was worth little; but he had now cozened the king of as much money, as he had bought a good estate, and given 10,000*l.* of the king's money, to the marriage [illegible] daughter."

Orders against publishing the King's Declaration, &c.] July 5. Both Houses agreed in publishing an Order, "That whereas several Proclamations, Declarations, and Papers in forms of Proclamations, had issued out in the majesty's name, commanding all persons, viscounts, sheriffs, mayors, bailiffs, and other officers, to publish and proclaim the same, contrary to law and divers Orders, Ordinances, and Declarations of parliament, and much to the scandal and derogation of it, &c. This was to all and all such persons, and other officers, from doing the same, and those that refused in that manner, should be proceeded by the power and authority of both Houses of parliament."

The Lord Mayor impeached.] This day the commons sent their serjeant Wild, with an Impeachment against Sir Richard Gurney, Lord mayor of London, impeaching, "That the said Sir Richard, in or about the last day of June, 1642, being then lord mayor of London, in several places of the said city, unlawfully and maliciously, and of a [illegible] combination to be made for [illegible] parliament, [illegible] the Commissions of Array [illegible] raising or forces against the parliament, [illegible] subversion of the laws and [illegible] this kingdom; for the which the house of commons did impeach the said Richard [illegible] the crimes, and of all the other [illegible] and high Crimes and Misdemeanors [illegible] whereof they may be called to answer, in the name of the commons." The lord mayor being at the bar, was asked by the Speaker what he confessed, "Whether he was the said Parliament to be [illegible] Whether he was guilty of his Answer, or [illegible] That he did not come to answer" [illegible] which was allowed him: and that he should come to the Answer, personally, on the [illegible]

Message to the King intending to the House.] Mr Marten reported, in the commons, a message [illegible] to consult the defence of the kingdom. That of William, Earl of Pembroke and John Berkley were [illegible] Lords, 14 peers of Ireland, and [illegible] Sir Thomas Heale, Sir Hugh Wyndham, and Sir Thomas Grosvenor, with 500 horse upon the Hounslow-road, in Lincolnshire that the King came to Beverley on the 9th instant, in the morning, intending [illegible] down before Hull the next day: that his majesty had, by Proclamation, forbid any provisions to be sent to that town, in pain of death, and had cut [illegible] the fresh-water river that came to Hull, and diverted the stream another way, but it [illegible] ed, sir John Hotham had drowned the country [illegible]

two miles round the town, so that no near approach could be made.

This day it was resolved by both houses, 1. "That 10,000 foot be raised, 5000 out of the liberty of London, and 5000 out of the counties adjacent: to form them into regiments and companies, and place officers over them: to keep the officers in continual pay, and pay the common soldiers every day that they were trained. Drums were likewise ordered to beat up for soldiers, in and about the city, with all expedition. 2. That all such horses as are brought in, by the lords and commons and others, on the Propositions, shall be mustered in Tothil-Fields, on Saturday next: and that 500 men shall be sent from hence by sea, to Hull."

Impeachment of Mr. Hastings and others, for executing the King's Commission of Array. July 8 The commons at a conference, delivered to the lords an Impeachment against Henry Hastings, esq. second son to the earl of Huntingdon, sir Rd. Halford, sir John Bale, and John Pate, esq. for High Crimes and Misdemeanors; in which Impeachment the commons desired the lords to use all expedition. A copy of which Articles were as follows:

"Whereas, by order and command of the lords and commons in parliament, for the safety and defence of the county of Leicester, the Magazine of the said county was delivered into the hands of Henry earl of Stamford, who, in June 1642, removed a great part thereof to his dwelling-house called Broadgate, in the said county, for the more safety and security thereof. And whereas, in the said month of June, several Warrants issued out, by order of both houses of parliament, the one directed to the gentleman usher of the house of peers, his deputy or deputies; the other, to the serjeant at arms attending on this house, his deputy or deputies, for the apprehending of the said Henry Hastings, sir Rd Halford, sir John Bale, and John Pate, for High Crimes and Misdemeanors by them committed against the said houses of parliament, to answer the same before the said houses. He the said Henry Hastings, sir Rd. Halford, sir John Bale, and John Pate, well knowing the premises, and the said sir Rd. Halford, sir John Bale, and John Pate, being then, and yet, Justices of the Peace of the said county, in or about the 22nd day of the said month of June, wickedly and maliciously, without warrant of law, did raise and draw out of the several counties of Derby, Lincoln, and Leicester, forces of horse and foot to the number of 300 persons, or thereabouts, some of them being colliers, and other mean and desperate persons, and many of them Papists, and them unlawfully assembled at Loughborough in the said county of Leicester; where the said Henry Hastings, the day aforesaid, made proclamation, 'That if any persons, affected to that service, wanted arms, and would repair to the town, they should be furnished therewith.' And they the said Henry Hastings, &c. together with the said other persons so assembled, being armed with swords and pikes; and with pistols, muskets, and carbines, ready charged with powder and bullets, and other habiliments of war, marched along in a warlike manner; with drums beating, colours flying, and their matches lighted, to the great terror and affrightment of his majesty's subjects, divers miles within the said county of Leicester, to the town of Leicester, and so through the said town, with great noise and shouting, to a certain place near the said town called Horse-Fair Lease; to the intent to keep themselves from being arrested by the said officers of both houses of parliament; and in case they should be so arrested, then to rescue themselves by force: and to the intent likewise to take away the said Magazine by force and arms, and to kill and destroy the said earl of Stamford, he the said Henry Hastings, and some other of his said accomplices, giving out 'That they would fetch away the said Magazine with a vengeance; and that they would have the said earl's life before they left; and would fire his house and have his heart's blood out,' with divers other such-like desperate speeches.—And the said Henry Hastings, &c. with the rest of their said confederates, being so assembled at the said Horse-Fair Lease, John Chambers and James Stamford, being authorized thereunto by a Deputation under the hand of the officers aforesaid, together with Archdale Palmer, esq. then high sheriff of the said county of Leicester, and divers other persons in their aid and assistance, repaired to the said place to execute the said Warrants from both houses of parliament; and the said Henry Hastings well knowing thereof, did then tell the said Chambers, 'That he knew he had Warrants from the parliament as well for others as for himself;' whereupon the said Chambers produced the said Warrants, and read them openly in the hearing of the said Henry Hastings, &c. to yield obedience to the said Warrants; which they refused to do, but, instead thereof, they, and other their said adherents, did violently assault the said high sheriff, Chambers, and Stamford, and rode upon them with their horses, and one of the said confederates, named Mr. Walter Hastings, with his pistol charged, gave fire upon the said Chambers; and some others of them drew out their pistols, and presented their muskets upon the said high sheriff and Chambers, using other force and violence upon them, to the great danger of their lives: and the said Henry Hastings, &c. by force and arms, and in a warlike manner, at the time and place aforesaid, rescued themselves from the said officers and high sheriff, in contempt of justice, and to the high affront and scorn of the parliament; and afterwards marched back again, in like warlike manner, into the said town of Leicester; all which doings of the said Henry Hastings, &c. were, and are, contrary to the laws of this realm, the rights and privileges of parliament, tending to sedition, and to the danger and effusion of much blood: wherefore the

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said commons do, in the name of themselves and of all the commons of England, impeach the said Henry Hastings, &c. of the said several high crimes and misdemeanors.—And the said commons, by protestation, saving to themselves now, and at all times hereafter, the liberty of exhibiting of any other accusation or impeachment against the said Henry Hastings, sir Ed. Hungerford, sir John Hele, and John Pine, or any of them; and of replying to the Answers they shall make; or of offering any proofs of the premises, or any of them, or of any other Accusation or Impeachment against them or any of them, as the case, according to the course of justice, shall require; do pray that the said Henry Hastings, &c. and every of them, may be forthwith put to answer the premises in presence of the commons, and that such proceedings, examinations, trials, and judgments may be upon them, and every of them, had and used, as shall be agreeable to law and justice."

Ordered, That the aforesaid gentlemen should appear before the house, at a time prefixed, to hear the Impeachment read, and to put in their Answers to it.

The Lord Mayor's Answer to his Impeachment.] This being the day appointed for the Lord Mayor to make Answer to his Charge, he was called to the bar, as a delinquent, where he delivered in the following Answer.—"The Humble Answer of sir Richard Gurney, knt. &c. This defendant, saving to himself all benefit of exceptions to the Impeachment against him exhibited by the honourable house of commons, saith, That he, this Defendant, is not guilty of all or any of the Crimes and Misdemeanors, in and by the said Impeachment against him charged. R. GURNEY."

The Parliament order to raise 10,000 Volunteers in London.] July 9. The lords agreed to several Propositions, from the commons, to be presented to the citizens in common council, for raising 10,000 Volunteers with all speed &c. and regulating the proportion of pay for horse and foot in their service. The first of these Propositions, for raising 10,000 Volunteers, was put to the question in the commons, and carried affirmatively by a majority of 125 against 46.

A further Impeachment against the Lord Mayor.] July 11. At a conference the commons exhibited, to the lords, a further Impeachment against the Lord Mayor; which being afterwards read to him at the bar, he desired more time might be given him to answer by counsel. And being asked, Why he refused, at the last common council, to put the question for stowing the Magazine that came from Hull, in the city; according to order of both houses, but protested against it? The lord mayor answered, He thought not fit to lay so much powder in the city, being dangerous; there being much there already, and more they cannot find room for. Afterwards he withdrew, and then it was resolved, "That the lord mayor of London, for his contempt to this house, shall be committed to the Tower; and that the lieutenant there shall take care to keep him in safe custody, as he will answer it at his peril." A further day was ordered for his trial.

The Parliament's Narrative of the Proceedings of the King's evil Counsellors.] A Declaration of Parliament was this day agreed on by both houses, to be sent down into the North; as follows:

"It cannot be unknown to the world, how powerful and active the wicked Counsellors about his majesty have been, both before and since this parliament, in seeking to destroy and extinguish the true Protestant Religion, Liberty, and Laws of the kingdom; and that, after many traiterous endeavours against the parliament, by God's providence discovered and frustrated, they drew his majesty into the Northern parts, and, in his name, did publish divers false scandalous and ignominious reproaches against the lords and commons; making his majesty's court a sanctuary for all kind of delinquents against the justice and privilege of parliament; and drawing to York, by letters and other means, divers members of both houses; and setting up there a counterfeit imaginary visage of a great council of the peers, in opposition to the parliament; to the great danger, not only of the disturbance, but even of the subversion, of the original constitution and frame of this kingdom.—And, that the way to the great change in Religion and Government intended might be made more easy and passable, many of those, who have shewed themselves faithful to the cause of God and the kingdom, either in parliament or in the country, are put out of the commission of peace and other public employments. The sheriff of Leicester (labouring to keep the peace when Mr. Henry Hastings marched from Loughborough into Leicester, with about 200 foot and 100 horse, of which many were drawn out of Derbyshire, armed, in a warlike manner, with pistols, pikes, and muskets, their drums beating and colours flying, intending to seize upon the Magazine of the county was, for his good service, put out of his office; and Mr. Hastings, the person who committed this outrage, made sheriff in his place; divers great lords, his majesty's servants, in places of nearness and trust, persons of high honour, merit, and abilities, as the earls of Pembroke, Essex, and Holland, and the lord Fielding, displaced for no other cause but discharging their conscience in parliament, besides divers members of the house of commons, one of which hath long served his majesty in places of honour, and had always been in great favour and esteem till he faithfully discharged his duty in parliament: last of all, the earl of Northumberland from the place of high admiral; a man so eminent in all qualifications of honour and sufficiency, so necessary for the state at this time, when so many ships are at the sea, and the kingdom in so much trouble and distraction, that there can hardly be named a

more mischievous effect of wicked counsel, or dangerous preparatives to future confusions, than the bereaving the state of the service of so noble and virtuous a person as he is.—The consideration whereof enforceth both houses to declare, That they cannot think the kingdom in safety, nor themselves to have discharged the trust reposed in them, till they have done their uttermost, by all fit ways, to procure that office to be restored; whereby the command of the ships, which are the walls of the kingdom, may again be settled in the charge of that noble lord.—In the midst of these unjust and destructive courses, to blind the eyes of the multitude, and disguise their malicious and cruel intentions under the semblance of peace and justice, they have drawn his maj. to make divers solemn Protestations, with fearful imprecations upon himself, and invocations of God's holy name, 'That he intendeth nothing but the welfare of his people; the maintenance of Religion and the Laws of the kingdom; and, for his own security, only to raise a Guard for his person: and that he did, from his soul, abhor the thought of making war against the parliament, or to put the kingdom into a combustion. But having, under this colour, kept about him divers soldiers and officers and gathered some strength, the intentions do now appear with a more open face, by these his majesty's ensuing actions and proceedings; which the lords and commons have thought good to publish, that all the subjects of the kingdom may understand what dangers and miseries are coming upon them, if not timely prevented.—A Garrison of soldiers is, by his majesty's order put into Newcastle, under the command of the earl of Newcastle; who should have formely seized upon Hull, if, by the wisdom of the parliament, he had not been prevented. The Papists in Cheshire have lately in a very peremptory manner, and in his majesty's name, demanded their arms, taken from them by direction of both houses of parliament, to be again restored to them.—The earl Rivers, lately a notorious professed Papist, and still suspect to be a Papist, although he now comes to church as many other dangerous Papists do, on purpose, as is conceived, to make themselves capable of employment, is put into the Commission of Array, being against law and the liberty of the subject; which he hath executed with rigour, and hath committed divers persons to prison for refusing to submit thereunto, contrary to law and the Petition of Right.—The mouth of the river Tyne is tortified, whereby the whole trade of Newcastle for coal, or otherwise, will be subject to be interrupted whensoever his maj. shall please; and the city of London, and many other parts of the kingdom, exceedingly burdened and distressed.—A ship laden with cannon for battery, and other lesser ordnance, powder, and ammunition is come into the river Humber, which also hath brought divers commanders from foreign parts; and in this ship, we are credibly informed, were Mr. Henry Wilmot, sir John Berkley, and sir Hugh Pollard, three of those who stand charged in parliament for being privy to this design of bringing up the army; and, amongst others, the lord Digby, a person accused in parliament of high treason; who, when he began to be questioned, fled out of the kingdom; and advised his majesty, by letters, to third courses, when both other courses failed, of withdrawing himself from his parliament to a place of strength: and that then he intended to come to him, and in the mean time would do him service abroad.—Divers other large preparations of warlike provisions are made beyond the seas, and shortly expected; besides great numbers of gentlemen, horses, and arms drawing from all parts of the kingdom; and all the gentlemen in Yorkshire required to bring in their horses for his majesty's service; sundry commissions are granted for raising horses, and divers officers of the army are already appointed. Upon Monday morning the 4th of July, his maj. came to Beverley with an army of a considerable number of horse and foot, some regiments of the Trained Bands being likewise commanded to be raised. Amongst the soldiers in this army there are divers Papists, and other persons of desperate fortune and condition, ready to execute violence, rapine, and oppression.—Some troops of horse are sent into Lincolnshire, to the great terror of the well-affected people: who are thereby forced either to forsake their dwellings or to keep them with armed men: they begin already to take away men's horses by force, and commit other acts of hostility; and have unlawfully used the gentlemen sent from the parliament with a Letter to his majesty. Provisions are restrained from coming to Hull, and his majesty is shortly expected to come thither with his army; notwithstanding the place is in the custody of the parliament, as hath been often declared to his majesty by both houses, and kept by them for his service and the peace of the kingdom, whereof as soon as they are assured, they intend to leave the town in the state it was.—The War being thus begun by his majesty, the lords and commons in parliament hold themselves bound in conscience to raise forces for the preservation of the peace of the kingdom, and protection of the subjects in their persons and estates according to law, the defence and security of parliament, and of all those who have been employed by them in any public service for these ends; and, through God's blessing, to disappoint the designs and expectations of those who have drawn his maj. to these courses and counsels, in favour of the Papists at home, the rebels in Ireland, and the foreign enemies of our religion and peace.—In the opposing of all which they desire the concurrence of the well-disposed subjects of this kingdom; and shall manifest, by their courses and endeavours, that they are carried by no respects but of the public good, which they will always prefer before their own lives and fortunes; and shall ever be most earnest, in their counsels and endeavours, to prevent a Civil War, and

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these miserable effects it must needs produce, if they may be avoided, without endangering the alteration of religion, which is the main end of those who have been the authors and counsellors of his majesty's undertaking this war, and will necessarily draw with it a loss of liberty, and subversion of the law of the kingdom, so that it rests only that the free-born English nation to consider whether they will adhere to the king and his parliament, by which they have so long enjoyed all that is dear unto them; or to the king, seduced by Jesuitical counsel and cavaliers, who have designed all to slavery and confusion; which, by God's blessing and our joint endeavours, may be timely prevented."

The Parliament's Declaration against the King's compelling the Attendance of his Subjects.] July 12. A third Declaration was agreed to by both houses, in these words:

"The lords and commons declare, That it is against the laws and liberties of the kingdom, that any of the subjects thereof should be compelled by the king to attend him at his pleasure but such as are bound thereto by special service: and if any messenger or officer shall, by colour of any command from his majesty, or warrant under his majesty's hand, arrest, take, or carry away any of his majesty's subjects, to any place whatsoever, contrary to their wills, that it is both against the laws of the land, the liberty of the subject, and tends to the disturbance of the public peace of this kingdom, and any subjects, so arrested, may lawfully refuse to obey such arrests and commands."

The Parliament resolve to raise an Army, and to petition the King for an Accommodation.] Mr. Hollis brought up a message from the commons, with some votes, which he said, had passed their house with much joy; and in which they doubted not of the lords concurrence with the same chearfulness. The Votes were these Resolved, 1. "That an Army shall be forthwith raised for the safety of the king's person, the defence of both houses of parliament, and of those who have observed their orders and commands, and for the preservation of the true religion, the laws, liberties, and peace of the kingdom. 2. That the earl of Essex be named general thereof. 3. That a Petition shall be forthwith prepared, to move the king to a good accord with the parliament, and to prevent a Civil War. 4. That this house doth declare, That, in this cause, for the safety of the king's person and the defence of both houses of parliament, and of those who have obeyed their orders and commands, &c they will live and die with the earl of Essex, whom they have nominated general in this cause."—Next, a draught of the Petition to the king, for peace, was read, in which the lords agreed with the commons, as also in all the foregoing Votes: and the earl of Holland, sir John Holland, and sir Philip Stapylton, were appointed to carry the Petition to the king at York.—Then the Speaker of the house of lords acquainted the earl of Essex, That that house had agreed in the desires of the commons, and had approved of his lordship to be general. Hereupon the earl gave their lordships thanks; professing his integrity and loyalty to the king to be as much as any, and that he would live and die with their lordships in this cause.

Further Proceedings in the Lord Mayor's Trial.] July 13. Both houses having been at some trouble to get any alderman of London to act for the lord mayor during his Imprisonment, several of them having absolutely refused it, as not consistent with their oath to the city it was ordered, That the lord mayor be commanded to depute some person to be locum-tenens, for the government of the city of London, and calling of common councils. On the 14th sir John Conyers, lieutenant of the Tower, who was ordered to deliver the foregoing message, acquainted the lords, that the lord mayor said, He had no power to appoint a deputy for the government of the city, during his absence Hereupon the lords ordered, That sir George Whitmore, knt and alderman, in the absence of the lord mayor, do cause a court of aldermen to be summoned, to meet at Guildhall the next day; and they, so summoned, are strictly enjoined to appear accordingly; then to make choice of a locum-tenens, or to consider of what other way will be according to the custom and charters of the city, for the safety and good government thereof; and to give account of their proceedings therein to the said lords in parliament, on the 16th instant.

Both houses concurred in an Order to the messengers appointed to present their last Petition, for peace, to the king, to acquaint his majesty, That since the framing and preparing of that Petition, they have received from him a Message, concerning the delivering up of Hull; to which they conceive that Petition gives a full Answer, and therefore had resolved not to return any other but Mr Rushworth informs us, "That, lest the king should think it a dilatoriness in the parliament to return an Answer, the two houses sent him post to Beverley to acquaint his majesty, that the earl of Holland, sir John Holland, and sir Philip Stapylton, were coming down with a Petition of both houses, in Answer to his majesty's said Message."

July 15. A commission for constituting the earl of Essex Captain-General, &c. was read. Upon putting the question, Whether the lords should agree to the Ordinance for this commission? The earl of Portland was the only peer then in the house that dissented.

Speeches against a Civil War.] But these Votes for a speedy Armament, &c. were not carried in the house of commons without much debate. Mr. Whitlocke has given us a Speech of his own against them. There is likewise another of sir Benj. Rudyard's, on the same occasion, yet preserved. And first

Mr. *Whitlocke* said, "Mr. Speaker, The question which was last propounded, about raising Forces, naming a General and Officers, of so

army, hath been very rare, before this time, in this assembly, and it seems to me to set us at the pit's brink, ready to plunge ourselves into a sea-coom of troubles and miseries; and, if that could be, into more than a Civil War brings with it. Give me leave, sir, to consider this unhappy subject, in the beginning, progress, and issue of it. Caesar tells us, and he knew as much of Civil War as any man before him, that it cannot be begun sine malis artibus. Surely, sir, our enemies of the Popish church have left no evil arts unessayed to bring us to our present posture, and will yet leave none unattempted to make our breaches wider; well knowing that nothing will more advance their empire than our divisions. Our misery, whom they account heretics, is their joy, our distractions will be their glory, and all evil arts and ways to bring calamities upon us, they will esteem meritorious.—But, sir, I look upon another beginning of our Civil War. God blessed us with a long and flourishing peace, and we turned his grace into wantonness, and peace would not satisfy us without luxury, nor our plenty without debauchery; instead of sobriety and thankfulness for our mercies, we provoked the Giver of them by our sins and wickedness, to punish us, as we may fear, by a Civil War, to make us executioners of Divine vengeance upon ourselves. It is strange to note how we have insensibly slid into this beginning of a Civil War, by one unexpected accident after another, as waves of the sea, which hath brought us thus far, and we scarce know how; but, from paper combats, by Declarations, Remonstrances, Protestations, Votes, Messages, Answers, and Replies, we are now come to the question of raising Forces, and naming a General and Officers of an Army.—But what, sir, may be the progress hereof, the poet tells you—

Jusq; datum sceleri canimus, populumq; potestem
In sua victrici conversum viscera dextra.

'We must surrender up our laws, liberties, properties, and lives, into the hands of insolent mercenaries, whose rage and violence will command us and all we have. Reason, honour, and justice will leave our land, the ignoble will rule the noble; baseness will be preferred before virtue, and profaneness before piety. Of a potent people we shall make ourselves weak, and be the instruments of our own ruin; 'Pardino tua ex te' will be said to us. we shall burn our own houses, lay waste our own fields, pillage our own goods, open our own veins, and eat our own bowels. You will hear other sounds besides those of drums and trumpets; the clattering of armour, the roaring of guns, the groans of wounded and dying men, the shrieks of deflowered women, the cries of widows and orphans; and all on your account, which makes it the more to be lamented.—Pardon, sir, the warmth of my expression on this argument, it is to prevent a flame which I see kindled in the midst of us, that may consume us to ashes. The sum of the progress of Civil War, is the rage of fire and sword; and, worse, is worse, of brutish men.—What the issue of it will be, no man alive can tell: probably few of us now here may live to see the end of it. It hath been said, That he that draws the sword against his prince, must throw away the scabbard. Those differences are scarce to be reconciled. These commotions are like to the deep seas, which being once stirred, are not soon appeased.—I wish the observation of the duke de Rohan, in his 'Interest of Christendom,' may prove a caution, not a prophecy; he saith of England, 'That it is a great creature, which cannot be destroyed but by its own hand:' and there is not a more likely hand than that of Civil War to do it. The issue of all war is like a cast at dice, none can tell upon what square the Alea Belli will light, the best issue that can be expected of a civil war, is, 'ubi victor læt, & victus parit.' Which of these will be our portion is uncertain, and the choice should be avoided.—Yet, sir, when I have said this, I am not for a tame resignation of our Religion, Laws, and Liberties into the hands of our adversaries, who seek to devour us; nor do I think it inconsistent with your great wisdom, to prepare for a just and necessary defence of them. It was truly observed by a noble gentleman, That, if our enemies find us provided to resist their attempts upon us, it will be the likeliest way to bring them to an accord with us: and, upon this ground, I am for the question. But I humbly move you to consider, Whether it be not yet too soon to come to it? We have tried by proposals of peace to his majesty, and they have been rejected: let us try yet again, and appoint a committee who may review our former Propositions. And where they find the matter at them (as our affairs now are) fit to be altered, that they present the alterations to the house, and their opinions; and that, as far as may stand with the security of us and our cause, we may yield our endeavours to prevent the miseries which look black upon us, and to settle a good accommodation; so that there may be no strife between us and those of the other party, but we are brethren.'

Sir *Benj. Rudyard*, on the same occasion,* spake thus: 'Mr. Speaker, In the way we are in, we have gone as far as words can carry us: we have voted our own rights and the king's duty. No doubt there is a relative duty between king and subjects, obedience from a subject to a king, protection from a king to his people. The present unhappy distance between his maj. and the parliament, makes the whole kingdom stand amazed, in a fearful expectation of dismal calamities to fall upon it. It deeply and conscionably concerns this house, to compose and settle these threatening ruin-

* From the original edition printed at London, July 17, 1642, for R. Thrale. This Speech was so agreeable to the king, that it was reprinted at York, by Stephen Bulkley, and published there the week following.

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ing distractions.—Mr. Speaker, I am touched, I am pierced, with an apprehension of the honour of the house, and success of this parliament. The best way to give a stop to these desperate imminent mischiefs, is to make a fair way for the king's return hither; it will likewise give best satisfaction to the people, and will be our best justification.—Mr. Speaker, that we may the better consider the condition we are now in, let us set ourselves 3 years back. If any man then could have credibly told us, that, within 3 years, the queen shall be gone out of England into the Low Countries, for any cause whatsoever; the king shall remove from his parliament, from London to York, declaring himself not to be safe here; that there shall be a total Rebellion in Ireland, such discords and distempers both in church and state here, as now we find! Certainly we should have trembled at the thought of it; wherefore it is fit we should be sensible now we are in it. On the other side, if any man then could have credibly told us, that, within 3 years, ye shall have a Parliament, it would have been good news; that Ship-Money shall be taken away by an act of parliament, the reasons and grounds of it so rooted out, as that neither it, nor any thing like it, can ever grow up again, that Monopolies, the High Commission-Court, the Star-Chamber, the Bishops Votes, shall be taken away; the Council-Table regulated and restrained, the Forests bounded and limited, that ye shall have a Triennial Parliament; nay more than that, a perpetual Parliament, which none shall have power to dissolve without yourselves, we should have thought this a dream of happiness! Yet, now we are in the real possession of it, we do not enjoy it, although his maj. hath promised and published he will make all this good to us. We stand chiefly upon further security, whereas the very having of these things is a convenient fair security, mutually securing one another. There is more security offered, even in this last Answer of the king's, by resuming the personal votes of Popish Lords, by the better education of Papists children, and by supplying the defects of the laws against Recusants, besides what else may be enlarged and improved by a select committee of both houses named for that purpose. Wherefore, sir, let us beware we do not contend for such a hazardous unsafe security, as may endanger the loss of what we have already. Let us not think we have nothing, because we have not all we desire, and though we had, yet we cannot make a mathematical security, all human caution is susceptible of corruption and failing; God's Providence will not be bound, success must be his: he that observes the wind and rain, shall neither sow nor reap, if he do nothing till he can secure the weather, he will have but an ill harvest.—Mr. Speaker, it now behoves us to call up all the wisdom we have about us, for we are at the very brink of combustion and confusion: if blood begins once to touch blood, we shall presently fall into a certain misery, and must attend an uncertain success, God knows when, and God knows what. Every man here is bound, in conscience, to employ his utmost endeavours to prevent the effusion of blood: blood is a crying sin, it pollutes a land; let us save our liberties and our estates, but so as we may save our souls too. Now I have clearly delivered my own conscience, I leave every man freely to his."

The Lord Mayor's Answer to his 2nd Impeachment.] This day the Lord Mayor was brought to the bar as a delinquent, the commons being present; where, kneeling till he was bid to rise, the Speaker asked him, if he had brought his Answer to the commons additional Impeachment against him; which he delivered in, and it was read in haec verba:

> The Humble Answer of Sir Richard Gurney, Knt and Bart. Lord Mayor of the City of London, to a Second Impeachment exhibited against him to the right hon the Lords in Parliament, by the hon. the house of Commons.
>
> "The defendant, saving to himself all benefit of exception to the said Impeachment, as to all and every the wicked and malicious advising, countenancing, persuasions, solicitations, and practices mentioned; and as to the illegal Imprisonment of John Carter, Wm. Gooch, and Rd. Arnold, or any other Apprentices within the city of London; as also to the charge of Breach of his Oath, and neglect of the duty of his place, and to all and every, or any other offences, practices, contempts, and misdemeanors, by the said Impeachment laid to this defendant, he saith, That he is not at them, nor any of them, guilty in such manner and form as the same are in and by the said Impeachment charged."

The Earl of Holland's Account of his presenting the Parliament's Petition to the King, sir P. me.] July 20. A Letter to the Speaker of the house of lords, from the earl of Holland, one of their Committee sent down into the North, to deliver their last Petition to the king, was read as follows

"My lord, Our admittance to his maj. was very quick, for that very night we arrived here, after his supper, though he came home late from Lincoln, he commanded us to attend him; where we found him accompanied by many officers, but few lords, for most of these were absent, they say here, to put in execution the Commission of Array, in those shires whither the king's Commission had directed them.—After we had read your Petition, his majesty told us, 'It was a business of great importance, and required time to advise of his Answer;' yet then he remarked, with some sharpness, on some parts of the Petition, which I shall give my lords an account of in person.—I believe we may be dispatched to-day, or, at furthest, to-morrow; for his maj goes to Nottingham and Leicester, to call those counties together, and to assure them to him; as, he believes, he has already done those where his

presence hath been. His forces appear not to be so great as they are; for it is said here, and I believe with some truth, that he may, when he pleases, call a very considerable number together, that are ready, upon the least command, to move towards him. But this is declined on two respects; the one, until he hath received a direct Answer concerning Hull; the other, to ease his charge for the present. There are several troops of horse that have been raised by noblemen and gentlemen, which are quartered in this county.—These generals are only proper to be delivered unto you at this present, when I attend you, which shall be with all the diligence I may, my lords shall have a very particular account of the knowledge and duty of Your, &c. HOLLAND. Beverley, July 12, 1642."

The Parliament's Petition to the King, for Peace.] The Parliament's Petition to the King for Peace, was as follows:

To the King's Most Excellent Majesty; The Humble PETITION of the LORDS and COMMONS assembled in Parliament.

"May it please your majesty; Although we, your majesty's most humble and faithful subjects, the lords and commons in parliament assembled, have been very unhappy in many former Petitions and Supplications to your majesty; wherein we have represented our most dutiful affections in advising and desiring those things which we held most necessary for the preservation of God's true religion, your majesty's safety and honour, and the peace of the kingdom; and, with much sorrow, do perceive, that your majesty, accused by many false calumnies and slanders, doth continue to raise forces against us and your other loyal and peaceable subjects; to make great preparations for war, both in this kingdom and also from beyond the seas; by arms and violence, to over-rule the judgment and advice of your Great Council; and, by force, to determine the questions there depending, concerning the government and liberty of the kingdom; yet such is our utmost desire of discharging our duty to your maj. and the kingdom, to preserve the peace thereof, and to prevent the miseries of Civil War amongst your subjects, that (notwithstanding we hold ourselves bound to use all the means and power, which, by the laws and constitutions of this kingdom, we are trusted with, for the defence and protection thereof, and of the subjects, from force and violence) we do, in this our humble and loyal Petition, prostrate ourselves at your majesty's feet; beseeching your majesty that you will be pleased to forbear and remove all preparations and actions of war, particularly the Forces from about Hull, from Newcastle, Tinmouth, Lincoln, and Lincolnshire, and all other places; and that your maj. will recall the Commissions of Array, which are illegal; dismiss the troops and extraordinary Guards, by you raised; that you maj. will come nearer to your parliament, and hearken to their faithful advice and humble Petitions, which shall only tend to the defence and advancement of religion, your own royal honour and safety, the preservation of our laws and liberties: and we have been, and shall ever be, careful to prevent and punish all tumults and seditious actions, speeches, and writings, which may give your maj. just cause of distaste or apprehension of danger, from which public aims and resolutions no sinister or private respect shall ever make us to decline, that your maj. will leave delinquents to the due course of justice; and that nothing done or spoken in parliament, or by any person in pursuance of the command and direction of both houses be questioned any where but in parliament.—And we, for our parts, shall be ready to lay down all those preparations which we have been forced to make for our defence. And for the town of Hull, and the Ordinance concerning the Militia; as we have, in both these particulars, only sought the preservation of the peace of the kingdom, and the defence of the parliament from force and violence; so we shall most willingly leave the town of Hull in the state it was before sir J. Hotham drew any forces into it, delivering your maj.'s Magazine into the Tower of London, and supplying whatsoever hath been disposed of by us for the service of the kingdom. We shall be ready to settle the Militia by a Bill, in such a way as shall be honourable and safe for your majesty, most agreeable to the duty of parliament, and effectual for the good of the kingdom; that the strength thereof be not employed against itself, and that which ought to be for our security applied to our destruction. and that the parliament, and those who profess and desire still to preserve the Protestant religion, both in this realm and in Ireland, may not be left naked and indefensible to the machinations designs and cruel attempts of those who are the professed and confederated enemies thereof, in your majesty's dominions and other neighbouring nations to which if your majesty's courses and counsels shall, from henceforth, concur, we doubt not but we shall quickly make it appear to the world, by the most eminent effects of love and duty, that your majesty's personal safety, your royal honour and greatness, are much dearer to us than our own lives and fortunes, which we do most heartily dedicate, and shall most willingly employ for the support and maintenance thereof."

The King's Answer.] As soon as this Petition was read by the earl of Holland, the king told the Committee, "The reproaches cast upon him by it, were not answerable to the expressions his lordship had made; and that he was sorry that they thought the exposing him and his honour to so much scandal, was the way to procure or preserve the peace of the kingdom; that they should speedily receive his Answer; by which the world would easily discern who desired peace most." And, accordingly, the second day, his majesty delivered them, in public, his Answer to their Petition; which

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was likewise read, by one of his servants, in these words

His MAJESTY'S ANSWER to the PETITION of the LORDS and COMMONS assembled in Parliament.

"Though his majesty had no great reason to believe, that the directions sent to the earl of Warwick to go to the river of Humber, with as many ships as he should think fit, for all possible assistance to sir J. Hotham, (whilst his maj. expected the giving up of the town unto him) and to carry away such arms from thence as his discretion thought fit to spare out of his majesty's own magazine: the chusing a general by both houses of parliament, for the defence of those who have obeyed their orders and commands, be they never so extravagant and illegal: their Declaration, 'That, in that cause, they would live and die with the earl of Essex their general,' all which were voted, the same day with this Petition: and the committing the lord mayor of London to prison for executing his majesty's writs and lawful commands, were but ill prologues to a Petition which might compose the miserable Distractions of the kingdom: yet his majesty's passionate desire of the peace of the kingdom, together with the preface of the presenters, 'That they had brought a Petition full of duty and submission to his majesty, and which desired nothing of him but his consent to peace,' (which his maj. conceived to be the language of both houses too) begot a greedy hope and expectation in him, that this Petition would have been such as introduced a true Peace, that it would at least have satisfied his Message of the 11th of this month, by delivering up of Hull to his majesty.—But, to his unspeakable grief, his maj. hath too much cause to believe, that the end of some persons by this Petition is not, in truth, to give any real satisfaction to his majesty; but, by the specious pretences of making offers to him, to mislead and seduce his people, and by some importunity upon him of denying what is in it to be granted; offers so as it would not have thrown those unjust reproaches and scandals upon his majesty, the making a necessary and just defence for his own safety; and so peremptorily justified such actions against him, as, by all rule of law or justice, can admit the least colour of defence; and, after so many free and unlimited acts of grace passed by his majesty without any condition, have proposed such things which, in justice, cannot be denied unto him, upon such conditions as, in honour, he cannot grant.—However, that all the world may see how willing his majesty would be to embrace any overture that might beget a right understanding between him and his two houses of parliament, (with whom he is sure he shall have no contention when the private practices and subtle insinuations of some few malignant persons shall be discovered, (which his maj. will take care shall be speedily done) he hath, with great care, weighed the particulars of this Petition, and returns this Answer:—That the Petitioners were never unhappy in their Petitions or Supplications to his majesty, while they desired any thing which was necessary or convenient for the preservation of God's true Religion, his majesty's safety and honour, and the peace of the kingdom,' and therefore, when those general envious foundations are laid, his majesty could wish some particular instances had been applied. Let envy and malice object one particular Proposition for the preservation of 'God's true Religion,' which his maj. hath refused to consent to; what himself hath often made for the ease of tender consciences, and for the advancement of the Protestant Religion, is notorious by many of his Messages and Declarations: what regard hath been to his honour and safety, when he hath been driven from some of his own houses, and kept out of his own towns by force: and what care there hath been of 'the peace of the kingdom,' when endeavour hath been used to put all his subjects in arms against him, is so evident, that his maj. is confident he cannot suffer by those general imputations: it is enough that the world knows what he hath granted, and what he hath denied.—For his majesty's raising Forces, and making Preparations for War, (whatsoever the petitioners, by the evil arts of the enemies to his majesty's person and government, and by the calumnies and slanders raised against his maj. by them, are induced to believe) all men may know what is done that way, is but in order to his own defence. Let the Petitioners remember that (which all the world knows) his maj. was driven from his palace of Whitehall, for safety of his life: that both houses of parliament, upon their own authority, raised a Guard to themselves (having gotten the command of all the Trained Bands of London to that purpose) without the least colour or shadow of danger: all which they usurped a power, by their pretended Ordinance, (against all principles and elements of law) over the whole Militia of the Kingdom, without and against his majesty's consent: that they took possession of his town, fort, and magazine of Hull, and committed the same to sir J. Hotham, who shut the gates against his majesty, and, by force of arms, denied entrance thither to his own person: that they justified this act, which they had not directed; and took sir J. Hotham into their protection for whatsoever he had done, or should do, against his majesty; and all this, whilst his maj. had no other attendance than his own menial servants.—Upon this the duty and affection of this county prompted his subjects, here, to provide a small Guard for his own person; which was no sooner done, but a Vote suddenly passed of 'his majesty's intention to levy war against his parliament'; which, God knows, his heart abhorreth: and, notwithstanding all his majesty's Professions, Declarations, and Protestations to the country, seconded by the clear testimony of so great a number of peers upon the place, Propositions

and Orders for levies of men, horse, and arms, were sent throughout the kingdom, Plate and Money brought in and received; Horse and Men raised towards an army, mustered and under command; and all this contrary to the law and to his majesty's Proclamation; and a Declaration published, 'That if he should use force for the recovery of Hull, or suppressing the pretended Ordinance for the Militia, it should be held levying war against the parliament, and all this done before his majesty granted any Commission for the levying or raising a man: his majesty's ships were taken from him, and committed to the custody of the earl of Warwick; who presumes, under that power to usurp to himself the sovereignty of the sea, to chase, fright, and imprison such of his majesty's good subjects as desire to obey his lawful commands; although he had notice of the legal revocation of the earl of Northumberland's commission of admiral, whereby all power derived from that commission ceased.—Let all the world now judge who began this war, and upon whose account the miseries which may follow must be cast: what his maj. could have done less than he hath done, and whether he were not compelled to make provision both for the defence of himself, and recovery of what is so violently and injuriously taken from him: and whether these injuries and indignities are not just grounds for his majesty's fears and apprehensions of farther mischief and danger to him.—Whence the Fears and Jealousies of the Petitioners have proceeded hath never been discovered: the Dangers they have brought upon his good subjects are too evident: what those are they have prevented, no man knows, and therefore his maj. cannot but look upon that charge, as the boldest and most scandalous that hath been yet laid upon him, 'That this necessary provision, made for his own safety and defence, is to over-rule the judgment and advice of his great council, and, by force, to determine the questions there depending concerning the government and liberty of the kingdom.' If no other force had been raised to determine those questions than by his maj. this unhappy misunderstanding had not been. And his maj. no longer desires the blessing and protection of Almighty God upon himself and his posterity, than he and they shall, solemnly, observe the due execution of the laws, in the defence of parliaments, and the just freedom thereof. For the Forces about Hull; his maj. will remove them when he hath obtained the end for which they were brought thither. When Hull shall be reduced again to his subjection, he will no longer have an army before it: and when he shall be assured that the same necessity and pretence of public good, which took Hull from him, may not put a garrison into Newcastle, to keep the same against him, he will remove his from thence, and from Tinmouth, all when, the example of Hull will not be out of his memory.—For the Commissions of Array, which are legal, and are so proved by a Declaration now in the press; his maj. wonders why they should, at this time, be thought grievous, and fit to be recalled: if the Fears of Invasion and Rebellion be so great, that, by an illegal pretended Ordinance, it is necessary to put his subjects into a posture of defence, to array, train, and muster them, he knows not why the same should not be done in a regular, known, and lawful way: but if, in the execution of that Commission, any thing shall be unlawfully imposed upon his subjects, his maj. will take all just and necessary care for their redress.—For his majesty's coming nearer to his Parliament, his majesty hath expressed himself so fully in his several Messages, Answers, and Declarations; and so particularly avowed a real fear of his safety, upon such instances as cannot be answered, that he hath reason to think himself somewhat neglected; that since, upon so manifest reasons, it is not safe for his maj. to come to them, both his houses of parliament will not come nearer to his majesty, or to such a place where the freedom and dignity of parliament might be preserved.—However, his majesty shall be very glad to hear of some such example in their punishing the tumults (which he knows not how to expect, when they have declared, 'That they knew not of any Tumults though the house of peers desired, both for the dignity and freedom of parliament, That the house of commons would join with them in a Declaration against Tumults, which they refused, that is, neglected to do) and other seditious actions, speeches, and writings, as may take that apprehension of danger from him; though, when he remembers the particular complaints himself hath made of businesses of that nature, and that instead of inquiring out the authors, neglect of examination hath been; when offer hath been made to both houses to produce the authors, as in that treasonable Paper concerning the Militia; and when he sees every day pamphlets published against his crown, and against monarchy itself, (as the Observations upon his late Messages, Declarations, and Expresses) and some Declarations of their own, which give too great encouragement in that argument to ill-affected persons, his majesty cannot, with confidence, entertain those hopes which would be most welcome to him.—For the leaving Delinquents to the due course of justice; his majesty is most assured he hath been no shelter to any such: if the tediousness and delay in prosecution, the vast charge in officers fees, the keeping men under a general accusation without trial a whole year and more, and so allowing them no way for their defence and vindication, have fighted men away from so chargeable and uncertain an attendance, the remedy is best provided where the disease grew. If the law be the measure of delinquency, none such are within his majesty's protection: but if, by delinquents, such are understood who are made so by Vote, without any trespass upon any known or established law; if, by Delinquents, the Nine Lords are understood, who are made delinquents for obeying

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his majesty's Summons to come to him, after their stay there was neither safe nor honourable; by reason of the tumults and other violences; and whose Impeachment, he is confident, is the greatest breach of privilege, that, before this parliament, was ever offered to the house of peers: if, by Delinquents, such are understood who refuse to submit to the pretended Ordinance of the Militia, to that of the Navy, or to any other which his majesty hath not consented to; such who, for the peace of the kingdom, in an humble manner, prepare Petitions to him, or to both houses, as his good subjects of London and Kent did, whilst seditious ones, as that of Essex, and other places, are allowed and cherished of, by delinquents, such are understood, who are called so for publishing his Proclamations, as the lord mayor of London, or for reading his Messages and Declarations, as divers mariners about London and elsewhere; when those against him are dispersed with all care and industry, to poison and corrupt the loyalty and affection of his people: if, by delinquents, such are understood, who have or shall lend his majesty money, in the universities, or in any other places; his majesty declares to all the world, That he will protect such with his utmost power and strength; and directs, That, in these cases, they submit not to any messengers or warrants of parliament; it being no less his duty to protect those who are innocent, than to bring the guilty to condign punishment; of both which the law is to be judge.—And if both houses do think fit to make a general, and to raise an army for the defence of those who obey their orders and commands, his majesty must not sit still, and suffer such who submit to his just power, and are solicitous for the laws of the land, to perish and be undone, because they are called delinquents and when they shall take upon them to dispense with the attendance of those who are called by his majesty's writ, whilst they send them to sea to rob his majesty of his ships; or into the several counties, to put his subjects in arms against him, his majesty (who only hath it will not lose the power to dispense with them to attend his own person, or to execute such offices as are necessary for the preservation of himself and the kingdom; but must protect them though they are called delinquents.—For the Manner of the Proceeding against Delinquents; his maj. will proceed against those who have no privilege of parliament, or in such cases where no privilege is to be allowed, as he shall be advised by his learned council, and according to the known and unquestionable rules of the law, at being unreasonable that he should be compelled to proceed against those who violated the known and undoubted law, only before them who have directed such violation.—Having said thus much to the particulars of the Petition, though his majesty hath reason to complain, That, since the sending this Petition, they have beaten their drums for soldiers against him; armed their own general with a power destructive to the law and liberty of the subjects, and chosen a general of their horse his majesty, out of his princely love, tenderness, and compassion of the people, and desire to preserve the peace of the kingdom, that the whole force and strength of it may be united for the defence of itself, and the relief of Ireland, (in whose behalf he conjures both his houses of parliament, as they will answer the contrary to Almighty God, to his majesty, to those that trust them, and to that bleeding miserable kingdom, that they suffer not any monies granted and collected by act of parliament, to be diverted or employed against his majesty, whilst his soldiers in that kingdom are ready to mutiny, or perish, for want of pay, and the barbarous rebels prevail by that encouragement is graciously pleased, once more, to propose and require: 1 That his town of Hull be, immediately, delivered up to him; which being done (though his maj. hath been provoked by unheard of insolencies of sir John Hotham, since his burning and drowning the country, in seizing his wine and other provisions for his house; and scornfully using his servants, whom he sent to require them, saying, It came to him by Providence, and he will keep it; and so refusing to deliver it, with threats if he, or any other of his fellow-servants, should again repair to Hull about it; and in taking and detaining prisoners divers gentlemen, and others, to their passage over the Humber into Lincolnshire, about their necessary occasions; and such other indignities, as all gentlemen must resent in his majesty's behalf) his majesty, to shew his earnest desire of peace, for which he will dispense with his own honour; and how far he is from desire of revenge, will grant a free and general pardon to all persons within that town. 2. That his majesty's Magazine, taken from Hull, be forthwith put into such hands as he shall appoint. 3 That his Navy be forthwith delivered into such hands as he hath directed for the government thereof. The detaining thereof, after his majesty's directions published and received to the contrary, and employing his ships against him, in such manner as they are now used, being notorious high treason in the commanders of those ships. 4 That all Arms, Levies, and Preparations for war, made by the consent of both houses, (to whose example his maj. hath been forced to make some preparations) be immediately laid down, and the pretended Ordinance for the Militia, and all power of imposing laws upon the subject, without his majesty's consent, be disavowed; without which the same pretence will remain to produce the same mischief still which his maj. may as lawfully demand, as to live, and can with no more justice be denied him, than his life may be taken from him.—These being done, and the parliament adjourned to a safe and secure place, his maj. promises in the presence of God, and lends himself by all his confidence and assurance in the affection of his people, That he will instantly, and most cheerfully, lay

down all the force he shall have raised, and discharge all his future and intended levies, that there may be a general face of peace over the whole kingdom, and will repair to them; and desires that all differences may be freely debated in a parliamentary way, whereby the law may recover its due reverence, the subject his just liberty, and parliaments themselves their full vigour and estimation, and so the whole kingdom, a blessed peace, quiet, and prosperity.—If these Propositions shall be rejected his majesty doubts not of the protection and assistance of Almighty God, and the ready concurrence of his good subjects; who can have no hope left them of enjoying their own long, if their king may be oppressed and spoiled, and must be remediless. And though his towns, his ships, his arms, and his money be gotten and taken from him, he hath a good cause left, and the hearts of his people, which, with God's blessing, he doubts not, will recover all the rest.—Lastly, If the preservation of the Protestant Religion, the defence of the liberty and law of the kingdom, the dignity and freedom of parliament, and the recovery and relief of bleeding and miserable Ireland, be equally precious to the petitioners, as they are to his majesty, (who will have no quarrel but in defence of these) there will be a chearful and speedy consent to what his maj. hath now propounded and desired.—And of this his maj. expects a full and positive Answer by Wednesday the 27th day of July instant; till when he will not make any attempt of force upon Hull, hoping in the affection, duty, and loyalty of the petitioners; and, in the mean time, expects that no supply of men be put into Hull, or any of his majesty's goods taken from thence."

Sentence pronounced upon the Nine impeached Lords.] July 20. The lords being all set in their robes, and the house of commons, with their Speaker, come up, he said, "The knights, citizens and burgesses of the house of commons, having impeached Spencer e. of Northampton, Wm e. of Devonshire, Henry e. of Dover, Henry e. of Monmouth, Charles lord Howard of Charlton, Robert lord Rich, Charles lord Grey of Ruthyn, Thomas lord Coventry, and Arthur lord Capel, for High-Crimes and Misdemeanors, to the interruption of the proceedings of parliament, and disturbance of the peace of the kingdom, the commons had commanded him to demand their lordships Judgment thereupon." Then the lord Kimbolton, Speaker of the house of lords for that day, pronounced Sentence against the said Nine Lords, as follows * " 1. That they shall not sit, or vote in the lords house during this present parliament. 2. That they shall not enjoy the privileges of parliament as members thereof. 3. That they shall stand committed to the Tower during the pleasure of this house."

A certificate from the aldermen of London, concerning the election of a locum-tenens, in the room of the Lord Mayor, was presented and read, importing, "That they had met together according to the direction, and on the day prefixed by the house; and that having called unto them the city counsel, and others experienced in the customs and charters of the said city, and, after diligent search of their records, they did humbly certify, That it did not appear that ever, at any time, the aldermen had made choice of a locum-tenens to execute the office of a Lord Mayor but they found, That in the time of a Lord Mayor's sickness, he being within the franchise, there had been a locum-tenens appointed by himself, the sword still remaining with him; all which they humbly presented, &c." Signed by 15 aldermen.

The Parliament's Reply to the King's Answer to their Petition for Peace.] This day a Reply of both houses to his majesty's Answer to their Petition, sent by the earl of Holland, was agreed to, as follows;

"The lords and commons in parliament (having taken into their serious consideration his majesty's Answer to their humble Petition for peace, delivered by the earl of Holland, sir Philip Stapylton, and sir John Holland, and the demands which he is thereupon pleased to make concerning the present delivery of the town of Hull, the Magazine, the Navy, disavowing the Ordinance of the Militia, the laying down of all Arms raised by authority of the two houses of parliament, and adjourning themselves to some other place) do beseech his majesty to accept this their humble and just excuse, That they cannot for the present, with the discharge of the trust reposed in them for the safety of the king and kingdom, yield to those demands of his majesty.—The Reason why they took into their custody the town of Hull, the magazine and navy; passed the Ordinance of the Militia, and made preparation of arms; was for the security of religion, the safety of his majesty's person, of the kingdom and parliament, all which they did see in evident and imminent danger; from which when they shall be secured, and that the forces of the kingdom shall not be used to the destruction thereof; they shall then be ready to withdraw the garrison out of Hull, to deliver the magazine and navy, and settle the Militia by bill, in such a way as shall be honourable and safe for his majesty, most agreeable to the duty of parliament, and effectual for the good of the kingdom, as they have professed in their late petition.—As for adjourning the parliament; they apprehend no reason for his majesty to require it, nor security for themselves to consent to it. And, as for that reason which his majesty is pleased to express, they doubt not but the usual place will be as safe for his royal person as any other, considering the full assurance they have of the loyalty and fidelity of the city of London to his majesty; and the care which his parliament will ever have to prevent any danger, which his majesty may justly apprehend; besides the manifold con-

* Ever since the lord keeper Littleton left the house of lords, the Speaker's place was filled by some one of the peers present

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veniences, to be had there, beyond any other parts of the kingdom.—As for the laying down of Arms; when the causes which moved them to provide for the defence of his majesty, the kingdom, and parliament, shall be taken away, they shall very willingly and cheerfully forbear any further preparations, and lay down their forces already raised."

This Reply was sent to the king, then before Hull; but with no solemnity of messengers, or any other ceremony than being inclosed to one of the secretaries of state. It was also ordered to be printed; and likewise forthwith published in all churches and chapels, together with the said Petition and Answer

Ordinance of Parliament for levying of Tonnage and Poundage.] August 1. The house took into consideration a new Ordinance of parliament, sent up by the commons, concerning the Subsidy of Tonnage and Poundage. This being read, it was resolved, That this house agrees with the commons therein, the lord Spencer only dissenting. Which Ordinance was as follows

"The lords and commons now assembled in parliament, taking into consideration the great perils and dangers that may ensue, not only to this kingdom, but likewise unto that of Ireland, especially in these times of apparent danger, far exceeding all former times, either of his majesty or of his royal father king James; and taking into further consideration the great Debt now due unto the Navy, as well before the beginning of this parliament as since, amounting to the sum of 200,000*l.* and that 32 ships of war are now in the actual service of this kingdom, as well for the defence thereof as of Ireland; and not knowing what other supply of ships and of store will be further requisite in these times of danger, and well knowing that they cannot be maintained without great sums of money, nor the said great arrears satisfied by any monies already collected or owing by merchants for the time past — And, foreseeing the danger and necessity of the supply, did, long before this time, prepare a new Book of Rates, which passed both houses, now ordered to be published, wherein they had as well an equal respect to the ease of the merchants, as to the raising of such sums of money as might be proportionable to those supplies; and did likewise prepare and pass a bill of Tonnage and Poundage, wherein the Book of Rates is confirmed, which bill they have likewise ordered to be printed and published; which, after it had passed both houses, was, upon the 29th of June last, sent to his maj. at York for the royal assent; which his majesty not having passed, the lords and commons did, upon the 14th of July last, command the earl of Holland, sir John Holland, and sir Philip Stapylton, (by whom they did send their late Petition to his majesty) in the name of both houses, to move his maj. to give a speedy passage to that bill, whereunto his maj. hath given no Answer at all. And whereas the former bill of Tonnage and Poundage did determine the 1st day of July, since which time no monies intended to be raised by this last bill have been collected; now the said lords and commons, having taken the premises into due and serious consideration, for preventing the inevitable dangers that must necessarily ensue, without timely prevention in their behalf, have thought good to make this their Ordinance in all his majesty's loving subjects. 1 Whereas by an Act for the Relief of the Captives taken by the Turkish, Moorish, and other pirates, and to prevent the taking of others in time to come,' all merchants, as well denizens as aliens, for any goods exported or imported, from the 10th day of Nov. 1641, during the term of 3 years then next ensuing, are to make due entries of all such their goods in the port of London, and all other his majesty's ports within the realm of England and dominion of Wales, upon the penalties of the forfeiture of the said goods: now the said lords and commons do enjoin all merchants, as well denizens as aliens, to make due entry of all such goods and merchandize, as they shall, during the continuance of the said act, export and import. And, to the intent that the entries may be accordingly made, they do expect that the customers, comptrollers, searchers, and all other the officers of the said city of London and other the ports respective, do carefully attend the several charges, and make due seizure as forfeited, of all such goods and merchandize, as shall not be entered according to the intent of that statute. 2 That although the said last bill for Tonnage and Poundage hath not yet had the royal assent, and therefore the subject, by the law, is not compellable to pay the duty therein limited to be paid; yet the premises and pressing necessities considered, the lords and commons do do hereby declare, that it shall be taken as an acceptable service to the commonwealth, and a manifestation of their good affections to the public, of all those that shall, upon the entry of their goods, advance and pay, by way of loan, unto the collectors or customers, which now are or hereafter shall be named, or to their deputy or deputies, all such sum or sums of money, as are payable by the last Book of Rates, and hereby have been due in case the said bill had passed into a law. 3 That every merchant so advancing money aforesaid, shall have an allowance, by way of deduction, of 13*l.* per cent. out of every 100*l.* he shall so advance and pay, over and above all other allowances made in the said bill or Book of Rates, or either of them, and so out of every greater or less sum after that rate. 4 Whereas the bill of Tonnage and Poundage, now remaining with his maj. cannot have the force of a law, without the further concurrence of the lord and commons, in respect the Speaker of the house of commons, by and with the consent of the said commons, is to carry the said bill into the lords house for the royal assent; as also in respect that, in his majesty's absence

from parliament, his majesty hath no power to pass his royal assent unto a bill, but by his letters patent under the great seal, and signed with his hand, declared and notified to the lords and commons assembled together in the higher house, as by a statute 23 Henry 8. appeareth. now the lords and commons for the further assurance of merchants advancing money as aforesaid, do promise and declare, That before they consent to the perfecting of the said bill of Tonnage and Poundage, now remaining with his maj. or any other bill of Tonnage and Poundage whatsoever, provision shall be made that the said allowance of 15*l.* per cent. shall be confirmed unto the said merchants accordingly; and that they, their heirs, executors, administrators, and assigns, shall be for ever acquitted and discharged of and from the payment thereof. 5. To the intent that no merchants do forbear to advance the said money by way of loan, according as is hereby desired, in hopes that the duties in the said bill shall not hereafter become payable from the 1st July 1642, the lords and commons do declare, That no bill of Tonnage and Poundage shall hereafter pass in parliament, but such as shall relate and be in force to compel all merchants to pay for all goods and merchandizes, exported and imported, from the said 1st of July 1642, on which day the former bill of Tonnage and Poundage expired; in which bill there shall be that clause of forfeiture of the value of all such goods as shall not be duly entered in the custom-house, from and after that day, in such manner as in the said bill is expressed. 6. As to merchants who shall not advance money by way of loan, as aforesaid, in regard of the present and pressing dangers and necessities, the lords and commons do declare, That at what time soever they shall consent to the passing of any bill of Tonnage and Poundage, all such persons, who shall not advance money as aforesaid, shall be charged to pay the duties of Tonnage and Poundage from the said 1st day of July 1642, during the term of the said bill, in such manner as by the said bill shall be provided. 7 That to the intent no officer belonging to any custom-house within this kingdom, or the dominion of Wales, or other persons appointed to be commissioners for receiving such money as shall be advanced by merchants as aforesaid, be discouraged, by reason of any penalties mentioned in any former act of Tonnage and Poundage passed this parliament, from receiving any duties upon merchandize, not being granted by parliament, although the lords and commons do conceive, and hereby declare, That the receiving of the said sums of money before-mentioned is not within the true intention of the said penalties, the same being advanced voluntarily, by way of loan; as also in respect those acts, and the true intent of them, were principally to restrain the crown from imposing upon the people without their consent: yet, for the further encouragement of such person, or persons, who shall receive any such sums, they do declare and promise, That before the said bill of Tonnage and Poundage, now remaining with his majesty, or any other, do pass for a law, there shall be a provision made, in such bill, for the indemnity and security of all such person and persons in that behalf. 8. That whereas, by a former Order of the commons house of parliament, the officers appointed for that purpose have orders to take bonds of all merchants for the payment of one per cent. to be raised by virtue of the aforesaid bill, for the relief of the captives taken by the Turkish or other pirates, or so much thereof as shall be agreed on by the lords and commons in parliament: it is now ordered, That all such merchants, as shall not advance money by way of loan as aforesaid, shall, at all times hereafter, upon entry of their goods, make payment of ready money for their said goods, according to the tenor of the said bill; and likewise all such other sums of money as, by virtue of the said bill, are due from the said merchants upon bill, or otherwise, for goods by them formerly entered since the 10th of Dec. 1641, by the true intent of which act the one per cent. to be paid and received, is to be taken and received according to such rates as were due and payable by the bill of Tonnage and Poundage, which did last determine. 9. The lords and commons do ordain, That the same collectors, or commissioners, who have formerly received the several duties upon merchandize, upon the several bills of Tonnage and Poundage passed this parliament, shall be, and are, deputed to be commissioners, who are enabled by this Ordinance to receive all such sum, or sums, of money, which shall, at any time hereafter, be voluntarily advanced by way of loan, in such manner as they have formerly received the former duties of Tonnage and Poundage; which said commissioners, their deputy or deputies, or any one of them, shall have full power and authority to give allowance, by way of defalcation, after the rate of 15*l.* per cent. out of all such monies as shall be advanced according to the true intent of this Ordinance. all which monies the said commissioners, their deputy or deputies, shall receive upon account; and shall, from time to time, issue out of the same, as they, the said commissioners, shall be authorized by Order of the lords and commons in parliament, or of such other person or persons, as they shall nominate and appoint to be employed for the uses herein before expressed.—10. For the more due execution of the premises, and that an account be justly kept of the commissioners due charge, the customers and comptrollers, as well of the city of London as the out-ports, are required, in every 56 days, to make a true copy of all such entries as have been made in the several ports respectively, and of the monies payable by the said entries; and are to certify the said accounts, monthly, unto Wm. Soames, esq. surveyor-geogral in the custom-house of London; who is likewise required to make up a perfect

[illegible]

account upon all the several certificates, and to return the same unto the commons house of parliament, or to such committee as shall be thereunto authorized by them.—That for the better direction as well of the merchants, what is to be performed on their parts, as of the several officers of the custom-house in the several ports respectively: it is ordained by the lords and commons now assembled in parliament, That a true copy of the said bill of Tonnage and Poundage, which hath passed both houses, and is now remaining with his majesty, shall be printed, and both it and the said Book of Rates published, and sent as well to the officers of the custom-house in the city of London, as unto the officers of the out-ports respectively. Lastly, For the encouragement of merchant-strangers, trading to the port of Dover, to continue their intercourse of trade, and the importation of bullion and foreign coin: it is ordered by the lords and commons, That the several officers in that port respectively shall, and may, from time to time, give unto all merchant-strangers the like respect and allowance in their customs as they have formerly done."

The Parliament's Declaration for taking up Arms.] August 2. the lords read a Declaration, brought up from the commons, by Mr. Denzil Hollis, setting forth the Grounds and Reasons which necessitated the parliament, at this time, to take up defensive Arms for the preservation of his majesty's person, the maintenance of the true Religion, the Laws and Liberties of this kingdom, and the Power and Privilege of Parliament; which, was agreed to as follows:

"We the lords and commons in parliament assembled, having taken into serious consideration the present state and condition of imminent danger, in which the kingdom now stands, by reason of a Malignant Party prevailing with his majesty, putting him upon violent and perilous ways, and now in arms against us, to the hazarding of his majesty's person, and for the oppression of the true Religion, the Laws and Liberties of this kingdom, and the Power and Privilege of Parliament; all which every honest man is bound to defend, especially those who have taken the late Protestation, by which they are more particularly tied unto it, and the more answerable before God, should they neglect it: wherefore, we (finding ourselves engaged to a necessity to take up arms likewise, for the defence of these, which, otherwise, must suffer and perish; and having used all good ways and means to prevent extremities, and preserve the peace of the kingdom, which good endeavours of ours the malignity of our enemies hath rendered altogether successless and vain) do now think fit to give this Account unto the world, to be a satisfaction unto all men of the justice of our proceedings, and a warning unto those who are involved in the same danger with us, to let them see the necessity and duty which lies upon them to save themselves, their religion and country; for which purpose, we set out this Declaration *

"That it appears by the Answer which his majesty hath given to the Humble Petition for Peace, presented unto him by both houses of parliament, and those demands which he makes, that the design which hath been so long carried on to alter the frame and constitution of this government, both in church and state, is now come to ripeness; and the contrivers of it conceive themselves arrived to that condition of strength, that they shall be able to put it in present execution.—For what else can be signified by the demanding of Hull, the Fleet, and the Magazine to be immediately delivered up: all our preparations of force to cease, and the defensive arms of the parliament to be laid down, and the parliament to be adjourned to another place, than that we should, out of the sense of our own inability to make resistance, yield ourselves to the cruel mercy of those who have possessed the king against us, and invited him to violate all our Privileges, and revile the persons and proceedings of the parliament? Or else, it (as it cannot be otherwise conceived) we do not grant what is so unreasonable and destructive, forthwith to bring on that force which is prepared against us, by the concurrence and assistance of Papists, an ambitious and discontented clergy, delinquents obnoxious to the justice of parliament, and some ill-affected persons of the nobility and gentry; who, out of their desire of absolute liberty, apprehend, and would keep off, the reformation intended by the parliament.—These persons have conspired to ruin this parliament, which alone hath set a stop to that violence so long intended, and often attempted, for the alteration of religion, and subversion of the laws and liberties of the kingdom.—How far we were plunged in a miserable expectation of most evil days, and how fast this growing mischief prevailed upon us before the parliament, needs not now be declared, it being so fresh and bleeding to every man's memory. Religion was made but form and out-

* In the Debate on this Declaration in the house of commons, exceptions were taken to some words, spoken by sir Symonds D'Ewes, as laying aspersions and imputations upon the committee that had brought it in, viz. 'That there were many things in this Declaration, that were taken out of other men's pockets and budgets, and before printed.' Whereupon he was commanded to withdraw, and it was resolved, That sir S D'Ewes should ask the committee pardon for the imputation laid upon them by these words, and the offence thereby committed against the house; and that he should receive reprehension for it in his place. He was accordingly reprehended by Mr. Speaker, who admonished him to be more careful of his expressions hereafter; and not to lay imputations upon any committee employed in the service of the house. Commons Journals

side; and those who made conscience to maintain the substance and purity of it, whether clergy or others, were discountenanced and oppressed, as the great enemies of the state. The laws were no defence nor protection of any man's right; all was subject to will and power, which supposed what pretences they thought fit, to drain the subject's purse, and supply those necessities which their ill counsels had brought upon the king, or gratify such as were instruments in promoting those illegal and oppressive courses. They who yielded and complied were countenanced and advanced, all others disgraced and kept under; that so, men's minds made poor and base, and their liberties lost and gone, they might be ready to let go their religion whensoever it should be resolved to alter it; which was, and still is, the great design, and all else made use of but as instrumentary and subservient to it.—When they conceived the way to be sufficiently prepared, they at last resolved to put on their master-piece in Scotland, (where the same method had been followed) and more boldly to unmask themselves, in imposing upon them a Popish Service-Book; for well they knew the same fate attended both kingdoms, and religion could not be altered in the one, without the other. God raised the spirits of that nation to oppose it with so much zeal and indignation, that it kindled such a flame, as no expedient could be found but a parliament here to quench it.—This necessity brought on this parliament: and the same necessity gave it, in the beginning, power to act with more vigour and resolution than former parliaments had done, and to set upon a reformation of the great disorders both in the ecclesiastical and civil state; which drew a more particular envy and odium upon it, than was usual to the generality of parliaments; and was a cause, that those, who had swallowed up, to their thoughts, our religion and liberties, and now saw themselves defeated by this means, bent all their endeavours, and raised all their forces to destroy it.—First, Whilst the Scots Army remained here, they endeavoured to incense the two nations, and engage their armies one against the other; that, in such a confusion as must needs have followed, the parliament, might not be able to sit; and those forces destroying one another, might open some opportunity for them to gain their ends upon both kingdoms; and that then as their need, so the being of the parliament, might cease; the wisdom of the parliament prevented that mischief, and composed those great differences betwixt the king and the kingdom of Scotland. That Plot failing, they endeavoured to turn the English army against the parliament: this was discovered, the chief actors fled, and the danger avoided. Then they labour to stir up the Scots Army against us; but such was the faithfulness and affection of those our brethren, that they could not effect it.—After this they carry the king into Scotland, to try if a party could be there raised to suppress first the good party in that kingdom, and so compass their intended purpose here. At the same time the Rebellion in Ireland, an egg likewise of their hatching, breaks out, but their plot failed in Scotland; yet, upon hopes of success there, such preparatives were here, and such recourse of ill-affected persons to this town, that the parliament thought it necessary, for their own security, to have a Guard. The king, upon his return, instantly dismisses that guard, and puts another upon us; which produced such ill effects, as we were glad to dismiss them, and rather run any hazard than have such a guard.—Then left naked, presently some members of both houses are unjustly charged with treason; and the king comes with a troop of cavaliers to the house of commons, to fetch those away by force, whom he had caused to be so unjustly accused; the greatest violation of the privileges of parliament that ever was attempted, and so manifest a destruction of the right of the subject, which is only preserved by parliament, that the city of London took a pious and generous resolution to guard the parliament themselves; which so grieved and enraged those wicked persons, who had engaged the king so that last, and all those other designs and practices against the parliament, that they make him forsake Whitehall, under pretence that his person was there in danger; a suggestion as false as the Father of Lies can invent.—Then do they work upon him and upon the queen; persuade her to retire out of the kingdom, and carry him further and further from the parliament; and so possess him with an hatred of it, that they cannot put words bitter enough into his mouth to express it upon all occasions; they make him cross, oppose, and inveigh against all the proceedings of parliament; encourage and protect all those who will affront it; take away all power and authority from it, to make it contemptible and of less esteem than the meanest court; draw away the members, commanding them to come to him to York; and, instead of discharging their duty in the service of the parliament, to contribute their advice and assistance to the destruction of it; endeavour to possess the people that the parliament will take away the law, and introduce an arbitrary government; a thing which every honest moral man abhors, much more the wisdom, justice, and piety of the two houses of parliament; and, in truth, such a charge, as no rational man can believe, it being impossible so many several persons, as the two houses of parliament consist of, about 600, and in either house all of equal power, should all of them, or at least the major part, agree in acts of will and of tyranny, which soaks up an arbitrary government; and most improbable, that the nobility and chief gentry of this kingdom should conspire to take away the law by which they enjoy their estates, are protected from any act of violence and power, and differenced from the meaner sort of people, with whom, otherwise, they would be but fellow-servants.—To make all this good upon the parliament, and either make the kingdom believe it, or so awe it that

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no body shall dare say the contrary, force is prepared, men are levied, and the Malignant Party of the kingdom, as was before specified, that is, Papists, the prelatical clergy, delinquents, and that part of the nobility and gentry, which either fear reformation, or seek preferment by betraying their country to serve the court, have combined to bury the happiness of this kingdom in the ruin of this parliament, and, by forcing it to cut up the freedom of parliament by the roots, either take all parliaments away; or, which is worse, make them the instruments of slavery, to confirm it by law, and leave the disease incurable.—That done, then come they to crown their work, and put that in execution, which was first in their intention, that is, the changing of Religion into Popery and Superstition.—All this while the two houses of parliament have, with all duty and loyalty, still applied themselves unto his majesty; and laboured, by humble prayers, and clear and convincing reasons and arguments, in several Petitions, to satisfy him of their intentions, the justness of their proceedings, their desire of the safety of his royal person and of the peace of the kingdom.—And only to preserve that peace, and prevent the pernicious practices of these incendiaries, (such as the lord Digby, who at first persuaded the king to get into some strong place, that he might protect those whom he stiled the king's servants, but in truth such as do divide him from his parliament and kingdom, and might be revenged upon his parliament, where, he said, that traitors have that way; who, in the mean time, promised he would do him service abroad, which, by his own letters, appears to be the procuring of supplies against the kingdom and parliament, with which he himself said he had stored [illegible] he hath done, disguised, with store of arms, in the ship called The Providence,* and who had attempted, upon the king's first going from Whitehall, to raise some numbers of horse and foot under the colour of a Guard for his person to be the foundation of an army against the parliament; which, then failing, have since taken effect, and shews what was then in their thoughts, before Hull, or the Militia, or any thing else of that nature was in question) the parliament thought fit to cause Hull, lest might be a receptacle of such ill-affected persons, and of what aid could be gotten from foreign parts, the fleet under the earl of Warwick to defend the kingdom, and prevent such mischief from abroad, the Magazine of Arms, that they should not be employed against us, and the Militia of the kingdom in such hands as the parliament might confide in, to appease commotions within ourselves.—And how necessary all this was to be done, the succeeding designs and practices upon them do all sufficiently manifest, and great cause hath the whole kingdom to bless God, who put it into the heads and heart of the parliament to take care of these particulars: for were these persons the persons about the king masters of them, how easy would it be for them to master the parliament, and master the kingdom? And what could we expect but ruin and destruction from such masters, who in the like manner, revile all detestable of our actions? Such, who have charged him in so many declarations to overthrow the parliament? Such, who have long thirsted to see Religion and Liberty confounded in them? Let the world now judge what just cause we have given them, that we have done, to appease his anger, and regain his gracious favour, if after the presenting of so humble Petitions as they were, so full of submissive, humble affectionate desires of peace, so clear and convincing reasons and arguments, as we thought malice itself could have excepted against; and having received for return, such expressions of our [illegible], a justification and avowal of the [illegible] delinquents from the hand of justice [illegible] of apparent danger, such [illegible] intention to destroy us, [illegible] kingdom; and this [illegible] by subsequent acts [illegible] Papists have been [illegible] overrunning several counties, compelling the trained Bands, [illegible] and put us with them, [illegible] bring their arms into [illegible] private persons; [illegible] kingdom against [illegible] to yield [illegible] further [illegible] themselves, and [illegible] entrusted [illegible] ty, and life, [illegible] their [illegible] from the king's [illegible] carry him [illegible] the destruction of all his people, [illegible] warning that all [illegible] that of the king may force this parliament they trust themself to all parliaments [illegible] by the [illegible] parliament [illegible] lost, [illegible] are lost, as well those lately made, as in former times, all which will be cut in sunder with the same sword now drawn for the destruction of the parliament.—Than if they will not come to help the parliament, and so we themselves, though both the land we must perish, yet have we discharged our consciences [illegible]

* The lord Digby was taken on board this ship, in the character of a Frenchman, and under that disguise, pretending he could give information of the most private circumstances of the king's designs, was [illegible] to sir John Hotham; to whom he afterwards discovered himself, and even proposed to him the surrendering up of Hull to his majesty, which the governor promised his utmost endeavours to effect: but the project, at this time, proved abortive. Lord Clarendon gives a very minute account of this extraordinary negotiation, vol. ii. p. 705. In the Commons Journals notice is taken of a Frenchman's being on board the ship Providence, who was ordered to be secured.

and delivered our souls; and we will look for a reward in Heaven, should we be so ill requited upon earth, by those of whom we have so well deserved, which we cannot fear, having found, upon all occasions, such real demonstrations of their love and affection, and of their right understanding and apprehension of our and their common danger; especially now that the question is so clearly stated, and that it appeareth that neither Hull, nor the Militia, nor the Magazine, are the grounds of the war which is so furiously driven on against us by a Malignant Party of Papists, those who call themselves Cavaliers, and other ill-affected persons; but so far forth only as the parliament, and all the members of both houses, and all other persons who have shewed themselves forward for the defence of the sincerity of religion, the laws and liberties of the kingdom, and the just power and privileges of parliament, are preserved and secured thereby.—For the many Designs upon the Parliament above-mentioned, the attempts to be possessed of Hull and of the Magazine, by sending thither capt. Legge, (a delinquent to the parliament for having had a hand in the treasonable practise to bring up the army against us) and the earl of Newcastle in a disguised habit, which was in pursuance of the lord Digby's advice, and the endeavouring to raise forces under pretence of a Guard to the king's person in the winter: all this, before we meddled with Hull, or the Magazine, or Militia, shew plainly that our act in securing them was not the cause of the king's taking up arms, and exercising hostility upon his loving and loyal subjects, which was in the thoughts and endeavours of those about the King, who then had, and still have, the greatest influence upon his councils, before we thought of Hull, or the Militia, or any thing else of that nature; and then that our resigning of them, now, would not prevail with him to make him lay down his arms, and return to his parliament, and gratify the earnest and longing desires of his people, to enjoy his presence, favour, and protection: but that if he could recover, either by our resignation, or any other way, a place of so much advantage to him, and weakening to us, use would be made of it to our infinite prejudice and ruin; the intention being still the same, not to rest satisfied with having Hull, or taking away the Ordinance of the Militia, but to destroy the parliament, and be masters of our religion and liberties; to make us slaves, and alter the government of this kingdom, and reduce it to the condition of some other countries, which are not governed by parliaments, and so not by laws; but by the will of the prince, or rather of those who are about him.—Yet willingly would we give his majesty satisfaction in these particulars, (and so have we offered it) could we be secured that, by disarming ourselves, and delivering them up to his majesty, (as the sword of justice is already put into the hands of divers Popish and other ill-affected persons, by putting them into the commission of the peace, and other commissions; and putting out others that are well-affected) we should not, to our own destruction, put the military sword into the hands of those evil Counsellors and ill-affected persons, who are so prevalent with his majesty; Papists many of them, or very late converts, by taking the Oaths of Supremacy and Allegiance; for which they may very well have a dispensation, or indulgence, to be enabled thereby to promote so great a service for the Popish cause, as to destroy the two houses of Parliament, and, through their sides, the Protestant religion.—But we have too just cause to believe and know, considering those continued designs upon us, and the composition of the king's army and of his council at this time, that these things are desired to be made use of to our destruction, and the destruction of that which we are bound, by our Protestation, to defend; and woe to us if we do it not, at least do our utmost endeavours in it, for the discharge of our duties and the saving of our souls, and leave the success to God Almighty.—Therefore we, the lords and commons, are resolved to expose our lives and fortunes for the defence and maintenance of the true Religion, the king's person, honour, and estate, the power and privilege of parliament, and the just rights and liberties of the subject; and also for the prevention of that most mischievous design, which gives motion to all the rest, and hath been so strongly pursued these many years, the altering of our religion, which if God in his mercy had not miraculously diverted, long ago had we been brought to the condition of poor Ireland, weltering in our own blood and confusion. And we do here require all those who have any sense of piety, honour, or compassion, to help a distressed state; especially such as have taken the Protestation, and are bound in the same duty with us unto their God, their king, and country, to come in to our aid and assistance: this being the true cause for which we raise an army, under the command of the earl of Essex; with whom, in this quarrel, we will live and die."

Portsmouth declares for the King.] Aug. 4. Both houses were still busy in giving out written Instructions for their deputy lieutenants in several counties; and in granting indemnities to cities, towns, and even to particular persons, who had any ways signalized themselves in their service. Some places, however, had the resolution to declare for the king; amongst which the important town of Portsmouth was one, whose governor, colonel Goring, had not only declared himself against the parliament; given an oath to the garrison there for that purpose, and those that would not take it he had thrust out of the town; but also, as the commons were informed, taken in to the fort many Papists with provisions.—This intelligence was communicated to the lords this day, at a conference, by the commons; who likewise said, They had considered the best way to reduce this town was to re-

sure the Isle of Wight, whose governor, the earl of Portland, they suspected, because his son they said, was a recusant, her brother voted a Malignant, and his brother in the town of Portsmouth. That the commons looked upon this earl to be, legally, a person not fit for that command; because the custody of the Isle belonged to the earl of Pembroke, as lord lieut. of Hampshire. Lastly, They desired the earl of Portland might be put into safe custody, and he was committed to the keeping of one of the sheriffs of London for the present; but, in a day or two after, on suspicion that he was concerned in the surrender of Portsmouth to the king, he was sent to the Tower

Aug. 5. The lords were informed by the commons, at a conference, That the marquis of Hertford, sir Ralph Hopton, capt. John Digby, and several other gentlemen, were come into the West of England, in order to put the King's Commission of Array in execution, by force; that the commons had expelled sir Ralph Hopton, and the rest of their members concerned in this affair, and had sent for them as delinquents, and left it to their lordships consideration what to do with theirs.—The lords ordered, That the marquis of Hertford, with the lords Pawlet and Seymour should be sent for as delinquents, for using force, to the terror of the people, in putting the Commission of Array in execution; and that the sheriffs do apprehend them; the lord lieutenants and deputy lieutenants to be aiding and assisting them in.

Aug 8. Mr. Pym reported from the committee for the Defence of the Kingdom, 'That an Ordinance was made to pass both houses, for the lord lieutenants to raise forces in counties to oppose those traiterous persons that are against the parliament, and with them to fight;' which was read and agreed to.—This day another Ordinance was passed for appointing sir Henry Vane, jun. to be treasurer of the navy.—The earl of Essex was, also, appointed lord lieut. of the county of Hereford instead of the lord Dacres, and lord Say and Sele of Gloucestershire, in the room of lord Chandos who had joined the king, and since executed his majesty's Commission of Array in that county.

Sentence passed upon the Lord Mayor.] Aug. 10 The lords took into consideration the Evidence given against the lord mayor, upon the Impeachment of the commons. And, after mature deliberation of the whole matter, whether it be fit or safe that he be governor of the city at this time, they came to the following Resolutions. Resolved, 1. "That the lord mayor caused the illegal Proclamation, for the Commission of Array, to be published. 2. That the Petition, charged in the Impeachment to be sent to the king, was by the lord mayor's procurement. 3. That the lord mayor did not suppress the Riot, but did countenance it. 4 That the lord mayor did refuse to call a common council at the time both houses of parliament did command him to do it."—These matters of fact being resolved, the lords gave the following Sentence on him 1. "That sir Richard Gurney, knt and bart. lord mayor of the city of London, shall be deprived of that office. 2. That he shall, hereafter, be incapable of holding any office in the city 3. That he shall be incapable to bear or receive any further honour hereafter. 4. That he shall be imprisoned in the Tower of London during the pleasure of this house"—This Sentence against the lord mayor was pronounced, with the usual ceremony, by the lord Kimbolton

The King proclaims the earl of Essex, and his Adherents, Rebels.] August 11. A letter came from the king, directed to the Speaker of the house of lords, with a Proclamation inclosed, commanding that it should be read: which was done accordingly. The Proclamation had this title, 'For suppressing the present Rebellion, under the command of Robert earl of Essex; and the gracious offers of his majesty's free pardon to him and all such his adherents, as, within six days after date hereof, should lay down their arms Dated at the Court at York, Aug 9, 1642' After this was read, the earl of Essex stood up and said, 'That he was made general by the desire, command, and authority of both houses of parliament, and not of his own seeking; and he protested, that his actions should shew him as loyal a subject as any the king had.'—The lords took this matter to be of high concernment, as the threatening and proclaiming of both houses of parliament rebels, and resolved to have a conference with the commons. This conference was held the same day, and the report of it made in the house of commons, by sir Robert Harley, was to this effect:

"The lord Kimbolton said, That the lords desired this conference to acquaint the commons with a Letter and a Proclamation they had received from the king. that there needed no language to it if there had, the lords would have chosen a better Speaker; but the words gave advantage sufficient, which he was to read unto them, and then give the sense of the lords upon it. After the Letter and Proclamation were read, his lordship proceeded and said, There needed no great expression to make them sensible of this Proclamation; they heard the earl of Essex was proclaimed a traitor, and all commanders under him, and all that adhered unto them; and, in those, the parliament and the honest party of the kingdom were proclaimed traitors: that these were big words of terror; but the lords had well considered the grounds before they entered into this action, which was for the maintenance of the law, religion, liberty of the subject, and privilege of parliament. upon which grounds they commanded him to let them know, that, with one consent, they resolved to go on with yet greater vigour than before.—The earl of Essex spoke next, at the conference, and said much the same as he had before to the lords,

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except adding, "That he was as ready to adventure his life for defence of the law, as the other great general for the breach of it."

The Parliament resolve to support them with their Lives and Fortunes.] After hearing this report, the commons immediately voted, "That whereas the parliament had formerly known the end of their expedition [against the rebels] of such force as were or should be raised, for the maintenance and preservation of the true Protestant religion, the king's person, the laws of the land, the peace of the kingdom, the liberty and property of the subject, and the rights and privileges of parliament: this house doth now declare, That they will maintain and assist him, and adhere unto him, with their lives and fortunes, in the same cause."

Memorandum, When this question was put, every man rose up in his place, one after another, and gave a distinct Answer to it. And it was resolved, That such members as were absent should also declare themselves, from time to time, at their coming into the house.

The Marquis of Hertford, &c. impeached.] Aug. 13. Sir Rob. Harley brought up to the lords an Impeachment of the commons against William marquis of Hertford, Spencer earl of Northampton, and Henry Hastings, esq. second son to the earl of Huntingdon, for High Treason, in actually levying war against the king and kingdom; and desired that speedy proceedings might be had against them, according to law and justice. On this the lords directed a Proclamation, and Writs to be sent out to the sheriff, to summon the said lords to appear at the bar of the house on the 29th inst. to answer to this Impeachment, sub pœna convictionis.

The Parliament's Answer to the King's last Proclamation.] A Declaration and Resolution of parliament, in answer to the King's late Proclamation against the earl of Essex, &c. was this day read and agreed to by both houses: when in the solemn profess, "That they will to the uttermost to make both his majesty and his posterity as great, rich, and potent, as much beloved at home and honoured abroad as any prince that ever swayed the British sceptre, on condition that he will immediately disband all his forces, abandon and leave to condign punishment his wicked counsellors, who have misadvised and procured him his majesty, by this Proclamation, to invite his subjects to destroy his parliament and good people by a Civil War; and, by that means, to bring ruin, confusion, and perpetual slavery upon the suffering part of a distressed kingdom: and return and hearken to the wholesome advice of his parliament."

The King's Message to the Commons, upon their taking 100,000l. from the Supplies for Ireland.] Aug. 16. The commons received the following Message from the King, dated from the court at York the 13th of this month.

"His majesty taking notice of an Order lately made by the house of commons, whereby that house hath unduly assumed to themselves authority to order, direct, and dispose 100,000*l.* part of those monies, which the venturers for the reducing of the rebels of Ireland have paid to that end and only to that purpose, to other uses and intents, contrary to the express words of the act of parliament for settling the same, wherein it is enacted, 'That no part of the money which should be paid in or adventured upon the said act, should be employed to any other purpose than the reduction of the rebels, until they shall be declared by the said act by his princely and princely for the continuance and re-establishment of God's true religion in that his kingdom of England, for the relief of his distressed subjects there, for the suppressing of that horrid and bloody Rebellion, and for the supply and payment of his many there, now in great want of necessary, doth strictly require the house of commons in this will answer the contrary to Almighty God, his majesty, and those that have trusted them. That they immediately retract that unjustifiable, illegal, and unjust Order, wherein his majesty expects their speedy answer and obedience: and the rather that he may thereby, be secured, that such part of the 400,000*l.* as is or shall be, collected from his good subjects in England, by virtue of the late act of parliament, whereby the same is granted, may not (by wise, under false pretences,) be inverted from its proper use for which it was intended, and mis-employed, to the disturbance of the peace of this kingdom, and to war against his sacred majesty."

The Commons Answer to the King's Charge.] Soon after the following Answer of the house of commons to this Message was, by them, ordered to be printed and published.

"The house of commons having received a Message from his majesty of the 13th of August, whereby they are required to retract an Order made by them, for the borrowing of 100,000*l.* of the Adventurers Money for Ireland, supposing that Order can be prejudicial to the affairs of Ireland, and the intention of the act of parliament made the present session, do, in the first place, declare, That the said resolutions [are] by his majesty, for the retracting of this Order, is an high breach of the privilege of parliament: and that they cannot, without a deep sense of sorrow, see to what low depth and prostrated counsels did so far prevail with his maj. that two armies were, he might within the bowels of this kingdom, and two Protestant nations ready to act in each others blood: that when both those armies had been a long time delayed at the charge of the poor commons of England, and, at length, by God's blessing upon the endeavours of the parliament, quietly disbanded, the same wicked counsels, prevented of that design, did soon after raise this bloody and barbarous Rebellion in Ireland: the suppressing wherein, for the better colour, was recommended to the care of the parliament, who, out of a fellow-feeling of the unspeakable miseries of their Protestant bre-

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Wm Whitaker by name, was assaulted by his majesty's cavaliers, then lying about Coventry, who took away these 600 suits of cloaths, and the waggon and horses of the poor man, although they were told that the 600 suits of cloaths were for the soldiers in Ireland, and notwithstanding the poor carrier was, five times, with the earl of Northampton, to beg a release of his waggon.—That 300 suits of cloaths, with a chirurgeon's chest of medicaments, being likewise sent for Ireland by one Rd. Owfield, who was employed by the parliament to carry them to Chester; a troop of his majesty's cavaliers, under the command of one capt. Middleton, met with them upon the road, and took away the cloaths and chirurgeon's chest, together with the poor carrier's horses and waggon, for his majesty's pretended service here. That a great number of draught horses, prepared by the parliament for the artillery and baggage of the Irish army, were sent to Chester for that purpose; and being there, attending a passage, are now required by his maj. for his said present service in England. That his majesty's forces are so quartered in and about the common roads to Ireland, that neither money, cloaths, victuals, or other provision, can pass thither by land with any safety. That capt. Kettleby the admiral, and sir H. Straddling the vice-admiral, of the ships which were directed to lie upon the coast of Ireland, to annoy the rebels, and to prevent the bringing to them ammunition and relief from foreign parts, are both called away from that employment, by his majesty's command; and, by reason of their departure from the coast of Munster, to which they were designed, the rebels there have received powder, ammunition, and other relief from foreign parts, by which, and many other particulars too long to relate, it may seem as if those barbarous Irish Rebels are kept on foot and countenanced there, of design to assist the Northern Cavaliers, and, according to the earl of Strafford's unheard-of advice, to have an army in Ireland, with which his maj. may reduce this kingdom, especially considering those confident rebels have presumed, very lately, to send a Petition to his majesty, intitling themselves his majesty's Catholic Subjects of Ireland, and complaining of the 'Puritan Parliament of England;' and desiring, that since his maj. comes not thither according to their expectation, that they may come into England to his majesty; which Petition, we may justly fear, is but a prologue to that tragedy they have designed to act here, in case their coming over be not prevented by the care and vigilancy of the parliament and the good people of England. But lest the house of commons might excuse the making of this Order by way of recrimination, they, for satisfaction to the world, do protest before Almighty God, the Searcher of all Hearts, That they have as great compassion and sorrow for the present sufferings of their distressed brethren in Ireland, as if themselves were in their case; (into which they are confident those horrid traitors, those monsters of men about his majesty, do labour to bring this kingdom) that they have, and shall ever really endeavour, by all possible means, with a due regard to the present state of this kingdom, to supply and support them in this their great affliction, notwithstanding the malice and obstructions of all opposers.—That the house of commons, truly apprehending the imminent danger of this kingdom, and finding that whilst they were active here to subdue the Rebels of Ireland, there were Papists, traitors and delinquents, more active in the North, to conquer and destroy the parliament and good people of England, thought it necessary to provide for the safety of both, by preparing a competent army for the defence of king and kingdom, and although multitudes of well-affected persons had cheerfully brought in great store of plate for that purpose, yet in regard the plate could not be coined with such expedition as the importance of the service did require; and well knowing that 100,000*l.* might, for a short time, be borrowed out of the Adventurers Money for Ireland, without any prejudice to the affairs of that kingdom, whose subsistence depends upon the welfare of this; and, resolving to make a real and speedy repayment of what money should be so borrowed, did make this Order; which, that it might appear to all the world to be neither mischievous, illegal, nor unjust, (as his majesty, by the instigation of those malignant whisperers, is pleased to term it) the house of commons thought fit to recite it in haec verba; and, instead of retracting the Order, to repay the money with all possible speed:

'July 30, 1642. It is this day ordered by the commons house of parliament, That the treasurers, appointed to receive the monies come in upon the subscription for Ireland, do forthwith furnish, by way of loan, unto the committee of lords and commons, for the defence of the kingdom, the sum of 100,000*l.* for the supply of the public necessity, for the defence of the king, parliament and kingdom, upon the public faith; to be repaid, duly and carefully, within so short a time that it shall not be diverted from the purpose for which it was intended, or any way frustrate the acts already made in the behalf of that adventure'—By which Order, and that which hath been here truly set down, it will easily appear to all indifferent people of his majesty's three kingdoms, whether the king and his Cavaliers, or the king and his Parliament, do most affect and endeavour the settling of true religion, and a firm and constant peace within that bleeding and distressed kingdom."

Letter concerning the State of Affairs in Yorkshire.] August 18. The lord Kimbolton reported the effect of a conference, held yesterday with the commons, about Affairs in Yorkshire: when a letter was read, directed to sir Philip Stapylton, member of parliament for Boroughbridge, as follows:

"Sir; The State of Affairs in this county is

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of so high importance to the general good of the whole land, as we conceive them requisite to be represented to the houses of parliament; and to receive directions, from thence, as may guide the well-affected subjects in such ways to conduce to the establishment of peace here and elsewhere: and, to that end, the committee, when they returned to the parliament, promised frequent intercourses, and that those, who should be employed from hence upon such occasions, should find a good reception. The gentlemen of the county, having met here at York, this day and yesterday, did resolve it necessary to send the bearer hereof with a view of the present condition of this country, which they desire you to make known to the house as you shall find it necessary.—His majesty hath now withdrawn all his forces from Hull and Beverley, and sent most part of his horse towards Newark and Nottingham, intending to set up his standard at Nottingham on the 22d of this month and, by Proclamation, commands all men's attendance of in person, as the Proclamation, which the bearer will deliver, doth more fully inform. His army, at this present, consists especially of horse, which are intended to be about 4000, in several regiments; in which number, we conceive, are not included the 400 horse, which certain of the gentry of Yorkshire promise to raise, nor the train of the court estimated at 500 horse: for foot-forces here are very few visible, and those of the scum of the country, being raised by beating drums for volunteers. yet it is said, that the proportion is 13,000 foot, though, in discourse, they declare as if 5000 foot will be sufficient for the design, but what it is, or against whom, we know not, otherwise than that it is expressed, in the Proclamation, for raising the Standard for if it were in defence of the Protestant religion, the laws of the land, and the privileges of parliament, so often repeated, we conceive the Papists, who have them all, would not so much relore, and shew themselves so forward to assist the service; nor make so frequent resort, as now they do, into these parts from Ireland, Lancashire, and all parts of Yorkshire: and, besides, we observe the king hath sent out Warrants to call to the service all Recusants horse and arms, and that Recusants, to make themselves capable of commands, do resort to church.—It is given out, that the king goes Southward on Tuesday next, tho' of that we can write no certainty but, whensoever he goes away from hence, he leaves the earl of Cumberland to govern these Northern counties; with authority to raise forces for defence of them, and a council of war to assist; to terrify the subjects, and constrain obedience to his government. It is to be accompanied with a Commission of oyer and terminer, and this government and council are to reside at York.—You have already heard how the gentry of this county were summoned to appear before his majesty, at York, the 4th of this month; where his maj. made certain Propositions to them which you have since seen in print; whereupon the earl of Cumberland, lord Saville, lord Faucomberg, all or most of the Commissioners of Array, and divers other gentlemen of the county, met in the Deanry at York; and there framed the Petition sent up by Mr. Jackson and Mr. Maude to the parliament: which, though it was carried then with much secrecy, yet is now divulged; and disliked by a great number of the gentry of this county, who will protest against it in writing so soon as they can meet with a convenience: yet they which framed it resolve to maintain it, and hold meetings and consultations at the Deanry at York; where they treat of matters of dangerous and high consequence, and contrary to the laws of the land and the liberty of the subject; that is to say,—To join in Associations with other neighbouring counties, to maintain the Petition aforesaid, and to raise an army of horse and foot, for defence of the county under the command of the earl of Cumberland, to be laid about York, and to be paid by the country To obtain of the king an able soldier to command in this army, under the earl, to whom they intend the country shall allow entertainment, to constrain all persons to contribute to the charge of this army, and to distrain upon such as refuse it And, to disable the subjects to oppose or defend themselves against this oppression, they intend to disarm and imprison all such gentlemen as shall not consent with them; and they have especially designed to imprison a great number of gentlemen, who they say are will give opposition to their Trained Bands, in every regiment; and intend to disarm more of them where they find danger of opposition: sir John Mallory, for his regiment, hath already raised both money to be furnished to his soldiers by the constables, and arms to be taken from the people.—These Propositions and Consultations, which are generally spoken of, do not a little perplex the well-affected subjects, and their fears increase by the ill particular affronts, and attempts made upon the gentry of this county, by the troops and others of the king's army; as the pillaging of divers gentlemen's houses about Hull, and plundering sir Henry Cholmley's house, near Selby, on Sunday last, and Mr. George Marwood's house, near Knaresbrough, 12 miles from York, on Wednesday last. To this of Mr. Marwood's we will relate some particulars, for your better information. It was done in the day time, and by 24 horse or thereabouts; part stayed beyond the Nid running close by the house, part entered the house, and others kept watch that none should come to hinder their intents: they threatened Mrs. Marwood and her servants with death, to discover where her husband was; and swore they would cut him in pieces before her face, and called her 'Protestant Whore,' and 'Puritan Whore,' they searched all the house, broke open 17 locks, and took away all the money, being about 120*l.* and all his plate they could find; and pretended they had the king's warrant for their so doing, which the king dis-

aygws; and his may is very much offended to have his name so abused, and threatens to have them all hanged if they be discovered and though it be Mr. Marwood's lot to suffer first, yet the loose people threaten to pillage and destroy all the Round-Heads, and name [illegible] name, Round-Heads, they comprehend all such as do not go their ways.* These beginnings and preparations of misery are necessary, to be made known to all the kingdom, that the good subjects may stand upon their guard; for though we may assure ourselves that the king will endeavour to preserve us, yet we find it is impossible to restrain the malice and rage of bloody Papists and faithless Atheists; and, in time, these mischiefs will approach other parts, though, for the present, we only lie in the mouth of danger.—Now towards the Redress of these growing evils, securing the peace of this county, and preservation of those peaceable subjects intended to be disarmed and left naked to the fury of every malicious adversary, we offer to your considerations the Propositions following, viz. That an Order be concerted in parliament, and declared, that all the kingdom may take notice of it, to this effect. That all well-affected and good subjects, that shall be plundered, pillaged, or suffer in their states by any of the Cavaliers, or other forces raised without consent of parliament, shall have full reparation of their damages out of the estates of such persons of each quality as are fortunes, being in the South-Riding resident in Yorkshire, and with their power, arms and assistance, do countenance and foment the late distempers of the kingdom, and the mischiefs that do happen, and in like manner that there may be speedily sent to Hull, the ancient proportion of powder, arms, ordnance, and other ammunition, with an order to furnish the country with them. [illegible] be disarmed from the consultations in the present Parliament. That Commissions be speedily sent down from the earl of Essex, Lord Fairfax of this county, to the gentlemen named in this inclosed Paper, or such of them as the house shall think fit for the present, to raise and command the forces of this county, for suppression of all insurrections and unlawful assemblies that may happen to arise. That the sheriff be commanded, by special order of parliament, to attend and assist as the house concerns arising. This list of gentlemen for commanding the county forces is not intended to disappoint any of trust or command, who are already nominated and intrusted by the parliament, nor are they intended to be continued longer than until some other provision, by an act, be concluded on by the king and parliament for settling and ordering the Militia. And lastly, it is the desire of the well-affected in this county to receive weekly advertisements from thence by some special employed for that purpose, until affairs be settled as we may safely confide in the ordinary post, for now we neither rightly understand the proceedings of the house, nor can we present to them such matters as concern the peace of this county. All which we hope will be pleased to represent to the house, the unanimous considerations of a great number of the gentry of this county. And we remain your affectionate, &c. York, August 15, 1642. P. S. The Grand Jury, this Assizes, consist for the most part of such as give us cause to suspect that there is some extraordinary business to be presented; but of this the sheriff excuseth himself, and saith the panuel, returned by him, was viewed and corrected by the Judge a fortnight before the assize."

The lord Kimbolton further reported, That the commons offered to their lordships consideration, a Proclamation from the king, requiring the aid and assistance of his majesty's subjects on the North side Trent, and within 20 miles Southward thereof, for the suppressing of the rebels now marching against him: and that thereupon the commons desired, 1. "That a committee of both houses may be appointed to draw up a Declaration, and therein to set down the unjust grounds of this Proclamation. 2. To consider the desperate Propositions of those that do meet at the dean of York's house. 3. To consider of the Propositions of the gentleman of Yorkshire. 4. That the long going Letter may be printed and published."

The Parliament declare all such as assist the King, Traitors.] His lordship added, That the commons also desired their concurrence in an Ordinance, declaring all men Traitors that assist his majesty in this war, which was read as follows:

"Whereas the king, seduced by evil counsel, doth make war against his parliament and people, intending to make himself an absolute Conqueror of these kingdoms, if not timely prevented; and, for the prosecuting of this war, divers forces of horse and foot have been levied and are raised, by several persons; and his majesty's good subjects are most cruelly robbed, spoiled, and slain: to the end that no man may be misled through ignorance, the lords and commons in parliament declare, That all such persons as shall, upon any pretence whatsoever, assist his maj. in this war with horse, arms, plate, or money, are traitors to his majesty, the parliament, and the kingdom; and shall be brought to condign punishment for such high offence."—To all these propositions of the commons the lords gave their consent, nem. con.

Sir R. Gurney removed from his Office of Lord Mayor.] This day the lords were informed, That, according to their Order, sir Nich. Raynton, senior alderman of London,

* In the foregoing month is the first instance we meet with of the Royalists being distinguished by the name of Cavaliers, and this is the first of the Parliament's Party being called Round-Heads.

[illegible] invited [illegible] the lowest of [illegible] [illegible]

had called a common-hall, and that the citizens had elected alderman Pennington their new Lord mayor; and it was necessary and consistent with the antient customs of the city, that he should be sworn and presented at Westminster, &c. That the city having sent to sir Rd. Gurney for the sword, cap, mace, and collar of SS, he pretended that they were locked up at his house, and he could not come at them: but being asked, whether he would deliver them if he had them? he desired to declare the answer to him but the king's council in the receipt. Upon this it was humbly moved, "That the thanks of the house should be given to sir Nich. Raynton and the rest of the aldermen, for their chearful, ready, and orderly obedience to the commands of this house in that they approved alderman Pennington for lord mayor, as he stood in election: and likewise to be for king, kingdom, and privilege of parliament that he should take the usual oaths given him by the court of aldermen: and two barons of the Exchequer should attend the next day for the lord mayor to be presented and sworn." Lastly, it was ordered, "That the gentleman usher, attending this house, should go to the house of sir Rd. Gurney and demand the sword, &c. and, if he be denied, to break open any doors or locks whatsoever, and possess himself of them, and deliver them to alderman Pennington, now lord mayor elect of the city of London." The next day the gentleman usher gave the lords this account: "That according to their Orders, he had taken with him sir Rd. Gurney's steward and sergeants, and gone to the city, and demanded the cap, mace, one hundred crimson caps, one of lord SS's, with great jewel, and a pendant jewel to the great mace, belonging to the city, which particulars he had delivered to the alderman's clerk and had his receipt for them."

Mr Oliver Cromwell's Letter to the University of Cambridge, concerning the Plate of the King. August 26. This day was read a copy of instructions entered in the Lords journals, directed to Oliver Cromwell esq. Tho. Sherland, and Rob. Castell esqrs. to this town the Lords and Commons present parliament, and the common council of the said city of the peace and safety of the said city, and thereby authorizing them to raise and exercise all the Trained Bands and other forces that should be raised and could be raised for the guard of to establish and maintain the peace, and to disturb the peace of the kingdom, &c. were hereby authorized to apprehend all such persons, and kill and slay them and by all means, to preserve them from all hostile attempt whatsoever, &c. Pursuant to these instructions, the commons had, upon their intelligence, That Mr Cromwell had seized in the magazine in the castle of Cambridge, and had hindered the carrying off Plate, from the University, to the value, as some reported, of 20,000*l.* And the next day, an Ordinance was made for the indemnifying of Oliver Cromwell, esq; and the persons concerned with him therein; and also further authorizing him and them to make stay of all such Plate, belonging to any of the colleges in the university of Cambridge, as shall be, hereafter, endeavoured to be carried to the king to maintain war against the parliament.

A Declaration of Parliament, occasioned by the late Letter from Yorkshire. August 26. A Declaration of Parliament was agreed to, on the occasion of the last Letter from Yorkshire, and was as follows:

"We the lords and commons in parliament assembled, have perused and seriously considered a letter sent from many of the principal knights, gentlemen and other inhabitants of the county of York, directed to a worthy knight of that county, been a member of the house of commons, and intended for the information of both houses of parliament, concerning his majesty's purpose of leaving his Standard at Nottingham, the present state of the Northern parts, and the growing insolencies and miseries like to overwhelm the whole kingdom, by the great oppressions exercised upon his majesty's subjects there, and other unlawful and dangerous counsels and proceedings of those who, under pretence of his majesty's service, are laying the foundation of an arbitrary and tyrannical government, or rather a meer confusion and desolation, not only in those parts, but in the whole kingdom: upon which and other information and discoveries, we think fit to publish and declare unto the Observations, whereby the good subjects of this kingdom may be the more sensible of their own danger, and be stirred up with more earnestness to resist all such malignant practices and designs of the common enemy and his party in the kingdom, who seems to be no less hazard than it was but an many of the Irish rebels in the bowels of the land. The first Observation is this, That it is now plainly upon us to the world, that the great council of the Lords and Commons, so consisting of both houses, that is assembled and called to make war against his late majesty and the Scots, Protestants, and Parliament, pursuant to the ends for which the raising and such preparations of war, and the declaring of such persons wicked traitors and delinquents, that, under such disguises and pretences of peace, they might the more easily ruin and prepare themselves for war: and to have suppressed the parliament and the kingdom by the strong hand of power and oppression of the kingdom.—The second That this war is said to be for the defence of the Protestant religion, and yet the most diligent assistants and promoters of it are Papists, and that so ample and superstitious part of the clergy that are running towards Popery, whereof the Papists are so frequent, that they not only send in horse and arms, but the letters to quality their persons for this present service, many heretofore constant Recusants have received the Church, and take the oaths of supremacy and allegiance. And with

what affections they look upon the reformed religion, is evident in the speeches of those who robbed Mr. Marwood's house, calling his wife Protestant Whore and Puritan, she being a very virtuous gentlewoman, and of good quality; only the hatred of religion was it which provoked them to such ignominious language, which by those Popish Cavaliers is prosecuted under the name of Roundhead, as it hath been by the Prelatical Clergy under the name of Puritan.—A third, That arms were taken from the honest gentlemen, yeomen, and townsmen; and put into the hands of such desperate persons, as cannot live but by rapine and spoil.—A fourth; That notwithstanding all the Vows and Protestations to govern by law, which have been dispersed throughout the kingdom, to blind and deceive the people, the most mischievous principles of tyranny are practised that ever were invented; that is, to disarm the middle sort of people, who are the body of the kingdom, and to maintain soldiers by forced contributions; to erect a provincial government in the North, clearly against the common law, and the judgment given in this parliament for taking away the court at York: that the contrivers and instruments of these mischiefs, for their better strengthening in these designs, are about to join themselves in an association with other counties: and that directions are given, that such as shall oppose, or not join with them, shall be violently plundered and pillaged.—For the Prevention of these growing evils and mischiefs, the lords and commons do declare, That all well-affected and good subjects, who shall be plundered, pillaged, and suffer in their estates, by any of the Cavaliers, or other forces raised without consent of parliament, shall have such repairation of their damages, out of the estates of those who have been actors and counsellors in such violences; and likewise out of the estates of all such persons in any part of the kingdom whatsoever, who have withdrawn themselves to York, and shall persist to serve the king in this war against the parliament, by any subscription, or contribution, or otherwise have given assistance and countenance to the maintenance of it.—That it shall be lawful for any number of persons to join together, and to defend themselves and others from rapine and force and the earl of Essex (lord-general of the forces raised by the lords and commons, for the defence of our religion and liberty, and for protection of the oppressed subjects of this kingdom, and lieut. of the county York) is desired to grant such commissions for levying, leading, and conducting of forces in the Northern parts, as shall be thought requisite by his excellency. and sir John Hotham, governor of Hull, is required to give all kind of assistance, by the garrison of the town, and by furnishing them with powder, arms, and other ammunition as he can spare. And for the better enabling of them in this their necessary defence. it is resolved, That further supplies of arms shall be sent thither as speedily as may be; that the sheriff of the county of York, and the sheriffs of the adjoining counties, and all lieutenants, deputy-lieutenants, mayors, justices of the peace, and other his majesty's officers and loving subjects, be aiding and assisting them, in defence of his majesty's subjects from all oppression and violence, with the power of the counties and Trained Bands.—That it shall be lawful for all lord-lieutenants, deputy-lieutenants, sheriffs, mayors, bailiffs, and head officers of corporations, to disarm all Popish Recusants; and all other his majesty's subjects are to be assisting unto them: and that it shall be lawful for any of his majesty's subjects to seize upon the persons of all such as shall execute the illegal Commission of Array or shall be actors and assistants in any of the aforementioned oppressions and violences; or shall furnish any horse, arms, money, or other aid or contribution, for the maintenance of this unnatural war, raised by his majesty against his parliament; and to seize upon their horses, arms, money, and other provisions, whereby they might be enabled to disturb the peace of the kingdom."

Coventry summoned by the King.] Aug 22 The lords received intelligence, That the king lay then before Coventry, and was playing upon the town with his ordinance, on account of their denying his majesty entrance, and shutting their gates against him.

The Earl of Bath's Reasons for not attending the Parliament] Aug 23. A Letter from the earl of Bath to the Speaker of the house of lords, was read

"My lord; I received last night a summons from your honourable house, requiring my attendance there on Monday next, Aug. 22, according to his majesty's writ It is true I was summoned, at the beginning of this parliament, as of right I ought; and did not fail to give my attendance upon that service, with as much diligence and affection to the public as my poor ability could express; but I received many interruptions, by scorns, menaces, and affronts from the people inhabiting about London and Westminster, contrary to the constitution and privileges of that and all other councils; where the members ought to come sit, and return, with honour and safety: and I do not see the minds of those people so settled and composed, that I may hope for better usage. wherefore I shall humbly desire their lordships to excuse my absence, until I may have some confidence of enjoying that honour and safety, which, heretofore I have not had. And so, with my service to your lordship, I remain, &c. BATH. Tornstock, Aug. 15. 1642."

Ordered, That the earl of Bath should be sent for as a Delinquent. And, upon further information that he had great store of powder in his house in Devonshire, it was ordered, That search should be made for such powder, or stores, and the same kept safe till the pleasure of the house should be further known.

The King sets up his Standard at Nottingham.] This day the lords received advice, That the city of Coventry having been en-

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couraged to hold out against the King, by the arrival of 500 men from Birmingham, and by receiving advice that Mr. Hampden, Mr Denzil Hollis, and Mr. Goodwin (who had taken out colonels commissions under the earl of Essex) were marching to their relief, his majesty's forces drew off, and departed towards Nottingham, in order to set up his Standard there. Although this affair cannot properly be termed a Parliamentary Proceeding in itself, yet as it took its rise from thence, we apprehend it no unacceptable digression to give some account of the manner of the king's erecting his Standard. Mr. Rushworth tells us, "That the king came from Coventry on Monday the 22d of August, to the morning, with some lords and others in company, to Leicester, where he dined that day at the Abbey; and that presently after dinner his majesty again took horse, and, with his company, rode to Nottingham; where were great preparations for the setting up of the Standard that day, as was formerly appointed. Not long after the king's coming to town, the Standard was taken out of the castle, and carried into the field, a little on the backside of the castle wall. The likeness of the Standard was much of the fashion of the city streamers used at the lord mayor's show, having about 20 supporters, and was carried after the same way; on the top of it hung a flag, the king's arms quartered, with a hand pointing to the crown, which stood above with this motto, 'Give Cæsar his Due.' The names of those knights bannerets who were appointed to bear the Standard, viz. the chief of them, were sir Thos. Brooke, sir Arthur Hopton, sir Francis Wortley, and sir Robt. Doddington. Likewise there were 3 troops of horse to wait upon the Standard, and to bear the same backward and forward, with about 600 foot soldiers. It was conducted to the field in great state, the king, the prince, and prince Rupert (whom his maj. had lately made knight of the garter) going along with it, with divers other lords and gentlemen of his majesty's train, besides a great company of horse and foot, in all to the number of about 2000.—So soon as the Standard was set up, and his majesty and the other lords placed about it, a herald at arms made ready to publish a Proclamation, declaring the ground and cause of his majesty's setting up his Standard, namely, to suppress the Rebellion of the earl of Essex, in raising forces against him, to which he required the aid and assistance of all his loving subjects; but before the trumpeters could sound to make proclamation, his majesty called to view the said Proclamation, which being given him, he privately read the same over to himself; and, seeming to dislike some passages therein, called for pen and ink; and, with his own hand, crossed out, and altered the same in some places, and then gave it the herald; who proclaimed the same to the people, though with some difficulty after his maj.'s corrections: after the reading thereof, the whole multitude threw up their hats, and cried, 'God save the King,' with other such like expressions.—Not long after the reading of the said Proclamation, it being towards night, the Standard was taken down, and again carried into the castle, with the like state as it was brought into the field, and the next day it was set up again, and his majesty came also with it, and made proclamation as the day before, and the like was also done on Wednesday, his majesty being also present, but after that it was set up with less ceremony."—Lord Clarendon's Account of this affair runs thus "According to the Proclamation, upon the 25th of August, the Standard was erected, about six o'clock in the evening of a very stormy and tempestuous day. The king himself, with a small train, rode to the top of the castle-hill; Verney, the knight-marshal, who was Standard-Bearer, carrying the Standard, which was then erected in that place, with little other ceremony than the sound of drums and trumpets. Melancholy men observed many ill presages about that time. There was not one regiment of foot yet brought thither; so that the Trained Bands, which the sheriff had drawn together, were all the strength the king had for his person and the guard of the Standard. There appeared no conflux of men in obedience to the Proclamation, the arms and ammunition were not yet come from York, and a general sadness covered the whole town. The Standard was blown down the same night it had been set up, by a very strong and unruly wind, and could not be fixed again in a day or two, till the tempest was allayed. This was the melancholy state of the king's affairs when the Standard was set up."—Leaving the reader to reconcile these two accounts, we return to our more certain guides, the Journals of Parliament.

The E. of Southampton comes from the King, with a Message for Peace.] August 27. The earl of Southampton, being sent from the king at Nottingham, came into the house of lords, and took his place; but, being presently commanded to withdraw, went out of the house again. The lords were informed, that the said earl had a Message to deliver to the lords in parliament, from the King, yet, in regard of the manner of his coming into the house without giving any notice of it before, either in one kind or other, the lords did not think fit that the said earl of Southampton should be permitted to deliver the Message, but that he should send it in by the gentleman-usher of this house. Whereupon the usher was sent out to the earl with this Message in writing "That the lords are not satisfied with the manner of your lordship's coming into the house at this time; they will not therefore receive any Message from your lordship, but, as it comes from his majesty, they are ready to receive it, with all humility, and wish your lordship to send it in unto them by the hands of their gentleman-usher." The earl's Answer "That he desires to let their lordships know, that he was commanded by the king to deliver this message to the house, and he doth not

know how his maj. will be pleased if he should should deliver it to Mr Maxwell." The lords Reply "That they conceived the delivery of the king's Message to their gentleman-usher, by their command, is a delivery of it to the house." To which the earl gave this Answer "That he desired not to be pressed to it, for he durst not do it until he had acquainted the king therewith." On this last Answer the lords appointed a committee of four, to draw up a Resolution of the house, touching this business, which was to be sent to the earl by the said usher; which was to this effect — "That the lords were ready to receive, with humility, the Message from the king, though not from his lordship's hands, because they were unsatisfied with his carriage; therefore they sent their gentleman-usher to bring it to them, which he twice refusing, they shall account him answerable for any ill consequence that may ensue thereby, and their lord-ships have not proceeded further against him at this time, in respect he was employed by the king to this house, but do command him forthwith to depart this town."

The King's Message for Peace.] Upon this the earl sent in the King's Message by Mr. Maxwell, which was read in these words

"We have, with unspeakable grief of heart, long beheld the distractions of this our kingdom: our very soul is full of anguish until we may find some remedy to prevent the miseries which are ready to overwhelm this whole nation by a Civil War, and though all our endeavours, tending to the composing of those unhappy differences betwixt us and our two houses of parliament, (though pursued by us with all zeal and sincerity) have been hitherto without that success we hoped for; yet such is our constant and earnest care to preserve the public peace, that we shall not be discouraged from using any expedient, which, by the blessing of the God of Mercy, may lay a firm foundation of peace and happiness to all our good subjects.—To this end, observing that many mistakes have arisen by the Messages, Petitions, and Answers betwixt us and our two houses of parliament, which happily may be prevented by some other Way of Treaty, wherein the matters in difference may be more clearly understood, and more freely transacted, we have thought fit to propound to you, that some fit persons may be by you enabled to treat with the like number to be authorized by us, in such a manner, and with such freedom of debate, as may best tend to that happy conclusion which all good men desire, The Peace of the kingdom: wherein as we promise, in the word of a king, all safety and encouragement to such as shall be sent to us, if you shall chuse the place where we are for the Treaty, which we wholly leave to you; presuming of your like care of the safety of those we shall employ, if you shall name another place. so we assure you and all our good subjects, that, to the best of our understanding, nothing shall be therein wanting on our parts, which may advance the true Protestant religion, oppose popery and superstition, secure the law of the land (upon which is built as well our just prerogative, as the property and liberty of the subject) confirm all just power and privileges of parliament, and render us and our people truly happy in a good understanding betwixt us and our houses of parliament.—Bring with you as firm resolutions to do your duty and let all our good people join with us in our prayers to Almighty God for his blessing upon the work.—If this Proposition shall be rejected by you, we have done our duty and imply, that God will absolve us from the guilt of any of that blood which must be spilt; and what opinion soever other men may have of our power, we assure you nothing but our Christian and pious care to prevent the effusion of blood, hath begot this motion; our provision of men, arms, and money being such as may secure us from further violance, till it shall please God to open the eyes of our people."

When this was read, the lords received a Message from the commons, desiring a conference about the same Message to them from the king, sent by sir John Colepeper. There was not that difficulty in admitting this messenger into the house of commons, as in the case of the earl of Southampton with the lords, for the commons being informed by Mr Speaker, that he had received a Letter from sir J. Colepeper, chancellor of the Exchequer, signifying, that he was coming with a Message from the king, which he could not deliver but as a member of that house, yet, in regard of an Order of the house, he durst not presume to come till he had their leave. a debate arose thereupon, and a motion being made, That the question for disabling him to sit as a member should be now put, it passed in the negative by 69 against 26; so he was admitted to deliver the Message. At the conference, held on this occasion, the commons delivered two Resolutions, to which they desired the lords concurrence. 1. Resolved, "That this house cannot give Answer to this Message from his majesty, until the Proclamations and Declarations his recalled, whereby the earl of Essex and both houses, with their adherents and assistants, and such as have obeyed and executed their commands, or directions, according to their duties, are declared traitors, or otherwise delinquents, not until the Standard, set up in pursuance of the said Proclamations, be taken down." Read, but not then agreed to. 2. "That the lords he desired to join with the commons in a direction to the lord-general, That he advance his forces with all possible speed, for the defence and safety of the kingdom, that this house doth not this out of any apprehension of backwardness in the lord general, but to give satisfaction that this Message doth not render them any way slack in their duties, for the preservation and safety of the kingdom." Read and agreed to.—The messengers from the commons being called in, the

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Speaker told them, "That the lords concurred with them in the latter Vote; and, as to the former, they should receive an Answer by messengers of their own."

The Parliament's Answer to the King's Message.] A committee being appointed for that purpose, the following Answer to the king's [illegible] was drawn up, and agreed to by both houses.

"May it please your majesty, The lords and commons in parliament assembled, having received your majesty's Message of the 8th of August (in which such great part of the miserable and distressed state of this land is set forth, which we have by all means endeavoured to prevent, both by our several Advices and Petitions to your majesty, which have not only with all success, but there have followed thereupon, whereof all come to [illegible] hath been produced, even the [illegible] namely, those several Proclamations and Declarations against both Houses of parliament, wherein those actions are declared [illegible], and their persons [illegible] that thereupon your majesty hath [illegible] against them, whereby we have put the two houses of parliament, and, in them this whole kingdom, out of your protection, so that, until your majesty shall recall those Proclamations and Declarations, whereby the said houses and both houses of parliament, and their adherents and assistants, and such as have obeyed and executed their commands and directions, according to their duties and [illegible] traitors, or otherwise delinquents, and shall [illegible] the said houses of parliament [illegible] from all molestations, prosecutions, and impositions, be taken away by the [illegible] parliament into such a condition, that we [illegible] we cannot, by the [illegible] parliament, the public trust reposed in us, nor with the general [illegible] of the Kingdom, give your majesty any other answer to this Message."

Sept. 2 Informations came from several parts; as from Oxford, Worcester, &c. of the plunderings and waste committed by the king's forces, called in Clarendon the Journals; and proper Orders were sent to their general to grant such commissions as he should think necessary for settling the peace in those counties, and the protection of the king's subjects.

An Order for suppressing of Stage Plays.] Sir Robert Harley, this day, brought up the following Order, made by the commons, to forbid Stage-Plays

"Whereas the distressed estate of Ireland, steeped in her own blood, and the distracted estate of England, threatened with a cloud of blood by a Civil War, call for all possible means to appease and avert the wrath of God, appearing in these judgments: amongst which fasting and prayer hath been often tried to be very effectual, and have been lately and are still enjoined: and whereas public sports do not well agree with public calamities; nor public plays with the seasons of humiliation; this being an exercise of sad and pious humanity, and the other being spectacles of pleasure too commonly expressing lascivious mirth and levity: it is, therefore, thought fit, and ordained by the lords and commons, &c. That while those sad courses and set times of humiliation do continue, public Stage-Plays shall cease and be forborne, instead of which are recommended to the people of this land, the profitable and seasonable consideration of repentance, reconciliation with God; which, if obtained, may produce a joyful peace and reconciliation, and turn again times of joy and gladness to these nations."

Sept. 3 The mayor of Carlisle was committed to the Tower, and sir [illegible] ordered to be [illegible] in his house, [illegible] the weakness of the said city, [illegible] to put the [illegible] in execution in Essex.

The King sent his Message for Peace.] Sept. 5. The Speaker acquainted the lords, that the lord Spencer had a Message to deliver from the king: upon which the lords sent for the gentleman usher, as usual, to receive it, who [illegible] it, and then read it to be read, in these words:

"We will not repeat what means we have used to prevent the dangerous and distracted estate of the kingdom; how we [illegible] have been terrified [illegible], how [illegible] beyond measure [illegible], and [illegible] to decline all mediation of former [illegible], that we think our offer of a new [illegible] reading as [illegible]. We need not declare [illegible] ever intended to defend both our [illegible] of parliament [illegible], or [illegible] and [illegible] them; and unless [illegible] that this kingdom may be [illegible] against all persons as Traitors or otherwise, for assisting of us) we shall, with all cheerfulness, upon the same day, recall our Proclamations and Declarations, and take [illegible] and [illegible] Treaty we shall be ready to grant any thing that shall be really for the good of our subjects; compelling you to consider the bleeding condition of Ireland, and all dangers in consequence of England, in as high a degree as by the [illegible] our offers, we have declared ourself to do, and assuring you that our chief desire, in this world, is to beget a good understanding, and mutual confidence between us and our two houses of parliament."

Resolutions of both Houses thereupon.] The lords, taking this Message into consideration, appointed a committee to prepare an Answer to it; but, at the same time, resolved, That the lord-general shall proceed with his forces, according to former Resolutions.—A conference between the two houses was held on this Message; after which the commons sent up the following Votes for the lords concurrence.

Resolved, &c. That the king, in proclaiming

the earl of Essex, and all his adherents, Traitors, hath declared both houses to be traitors, who have published their Resolutions to adhere to him, he having done nothing but by their authority and direction; and doth hereby put them and the whole kingdom out of his protection. To prove this, the Proclamations and the king's Instructions, given to the Commissioners of Array since the last Message, are sufficient evidence. 2. That the king not having removed those impediments mentioned in our former Answer, we do resolve to adhere thereunto. Which is, That so long as the Standard is up, and the Proclamation and Declaration unrevoked, we cannot make any other. Only we desire it may be considered, what a dishonour and scorn is cast upon us in that we, and the whole kingdom, are put into the same balance with traitors and delinquents. and as for that Proposition of the king's, 'That when we shall appoint a day to revoke our Declaration against all persons as Traitors or otherwise, for assisting his majesty, he will, upon the same day, revoke his Proclamations and Declarations, and take down his Standard,' we cannot admit of it without the greatest danger and dishonour of the kingdom and parliament, by the consenting to the preservation and indemnity of those who have been so apparently active to the destruction of both. 3. That we are as desirous of a good understanding betwixt his maj. and his subjects, as sensible of the bleeding and distempered estate of England and Ireland; and as careful to settle a good peace to both, as any subjects of this kingdom have ever been: and we do, with much grief, remember that many things are done which give us just cause to believe that there are not the like intentions in his maj. and those who govern his affairs; in that the ships appointed for the guard of Ireland, have been recalled by his majesty's Warrant, the provision of cloaths, to be sent to the army there, have been taken away by his troopers, upon the road; and the horse-, waggons, and other necessaries, provided for Chester, sent for by his command; also, his maj keeping that kingdom without the chief governor; whereby the army at Dublin, maintained at the great charge of this kingdom, is made unprofitable, and the rebels grown so insolent as to exercise hostile acts, even to the very walls of that city. Besides many other impediments given to the Irish affairs, mentioned in an Answer of this house to a Message from his maj. of the 13th of August last."—Ordered, That this house agrees with the commons in all these Votes

September 6. Another, and a yet stronger, Vote of the commons, was sent up to the lords, for their concurrence, which was also agreed to by them, to this effect.—"Whereas his majesty, in a Message received the 5th of Sept. requires that the parliament should revoke their Declarations against such persons as have assisted him in this unnatural war against this kingdom, it is this day ordered and declared by the lords and commons, That the arms which they have taken, and shall be forced to take up, for preservation of the parliament, religion, laws and liberties of the kingdom, shall not be laid down, until his maj. shall withdraw his protection from such persons as have been, or shall be, voted by both houses, to be delinquents; and shall leave them to the justice of parliament, to be proceeded with according to their demerits; to the end that both this and succeeding generations may take warning, with what danger they incur the like heinous crimes And also, to the end that those great charges and damages, wherewith all the commonwealth hath been burthened in the premises, since his majesty's departure from the parliament, may be borne by the delinquents, and other malignant and disaffected persons; and that all his majesty's good and well-affected subjects, who by loan of monies, or otherwise, at their charge, have assisted the common-wealth, or shall, in like manner, hereafter assist in time of extreme danger, may be repaid all sums of money by them lent for those purposes, and be satisfied all their charges so sustained, out of the estates of the said delinquents, and of the malignant and disaffected party in this kingdom.

The Parliament's Answer to the King's second Message.] On the basis of all these Votes and Resolutions, a committee of both houses had drawn up another Answer to the King; which was this day read and agreed to in these words:

To the King's Most Excellent Majesty; The HUMBLE ANSWER and PETITION of the Lords and Commons assembled in parliament, unto the King's last MESSAGE.

"May it please your majesty; If we, the lords and commons in parliament assembled, should repeat all the ways we have taken, the endeavours we have used, and the expressions we have made unto your majesty, to prevent those distractions and dangers your maj. speaks of, likely to fall upon this kingdom, we should too much enlarge this Reply. Therefore, as we humbly, so shall we only, let your maj know, that we cannot recede from our former Answer, for the reasons therein expressed; for that your maj. hath not taken down your Standard, nor recalled your Proclamations and Declarations, whereby you have declared the actions of both houses of parliament to be 'treasonable,' and their persons traitors, and you have published the same, since your Message of the 25th of August, by your late Instructions sent to your commissioners of Array. Which Standard being taken down, and the Declarations, Proclamations, and Instructions recalled, if your maj. shall then, upon this our humble Petition leave your forces, return unto your Parliament, and receive their faithful advice, your maj. will find such expressions of our fidelities and duties, as shall assure you, that your safety, honour, and greatness can only be found in the affections of your people, and the

sincere counsels of your parliament; whose constant and undiscouraged endeavours and consultations have passed through difficulties unheard of, only to secure your kingdoms from the violent mischiefs and dangers now ready to fall upon them, and every part of them; who deserve better of your majesty, and can never alter [illegible] (unless [illegible] kingdom) to be balanced with those persons, whose desperate dispositions and counsels still so prevail to interrupt all our endeavours for the relieving of bleeding Ireland as we may fear our labours and vast expences will be fruitless to that distressed kingdom. As your presence is thus humbly desired by us, so is it in our hopes your maj. will, in your reason, believe there is no other way than this to make your majesty's self happy, and your kingdoms safe."

Sept. 8. The lords received a Letter from the earl of Bedford, general of the horse, dated from Sherburne, in Dorsetshire, Sept. 6th, desiring a reinforcement of 3 regiments of foot, and 3 troops of horse. also another from sir Wm. Waller, acquainting them with the reduction of Portsmouth town and fort, to the parliament's service.

Sept. 9. The earl of Essex acquainted the lords, That he intended to set out, in a few hours, for St. Alban's, to perform the commands of both houses; and therefore desired to take his leave of them together; hereupon a conference was immediately held for that purpose.

Sept. 10. The lord Mantague of Boughton was sent to the Tower, for executing the Commission of Array in Northamptonshire, as was also the earl of Berkshire, for attempting the same in Oxfordshire, though his design was prevented from being put in execution by Mr Hampden and Mr. Whitelocke. The lords being also informed, that Mr. Ashburnham was come with a Message from the king, and had been in town since yesterday: the usher of the black rod was sent to find him out, to take him into custody, and bring him before them.

The Parliament resolve to abolish Episcopacy.] A long Declaration of both Houses to their Brethren in Scotland, was agreed to, containing many kind expressions, &c.* wishing an uniformity in church government might be established, for setting one Confession of Faith, one Liturgy or Directory of the public worship of God, and one Catechism, in all the three kingdoms. In which was inserted this Resolution of the English parliament Resolved, nem. con. "That the government of the church of England, by Archbishops, bishops, their chancellors and commissaries, deans, and deans and chapters, archdeacons, and other ecclesiastical officers, hath been found, by long experience, a great impediment to the perfect reformation and growth of Religion, and very prejudicial to the state and government of this kingdom; and that the same should be taken away."

The King's Third Message for Peace.] Sept. 13. A Message from the King, directed to the [illegible] of Lords, was brought in, and read, in hæc verba.

"Who have taken most ways, used most endeavours, and made most real expressions, to prevent the present distractions and dangers, let all the world judge, as well by former passages, as by our two last Messages; which have been so fruitless, that (though we have descended to desire and press it) not so much as a Treaty can be obtained, unless we would denude ourself of all force to defend us from a visible strength marching against us, and admit those persons as traitors to us, who, according to their duty, their oaths of allegiance, and the law, have appeared in defence of us their king and liege lord, whom we are bound, in conscience and honour, to preserve, though we declined all our Proclamations and Declarations, and the erecting of our Standard as against our Parliament — All we have now left in our power is, to express the deep sense we have of the public misery of this kingdom, in which is involved that of our distressed Protestants of Ireland, and to apply ourself to our necessary defence, wherein we wholly rely upon the providence of God, the justice of our cause, and the affection of our good people, so far we are from putting them out of our protection — When you shall desire a Treaty of us, we shall, piously, remember whose blood is to be spilt in this quarrel, and cheerfully embrace it; and as no other reason moves us to leave the city of London, but that with honour and safety we could not stay there, nor to raise any force, but for the necessary defence of our person and the law, against Levies in opposition to both; so we shall suddenly and most willingly return to the one, and disband the other, as soon as those causes shall be removed. The God of Heaven direct you, and, in mercy, divert those judgments which hang over this nation, and so deal with us and [illegible] to you, as we desire the preservation and advancement of the true Protestant religion, the law and the liberty of the subject, the just rights of parliament, and the peace of the kingdom."

Ordered, That the consideration of this Message be referred to the committee for the safety of the kingdom; and that it be communicated to the commons.

Impeachment against the lord Strange for High Treason.] Sept. 14. Sir Robert Harley brought up an Impeachment of High Treason against James lord Strange, son and heir apparent of William earl of Derby, in these words.

"That the said James lord Strange, to the intent to subvert the fundamental laws and liberties and very being of parliaments, and to

* Ever since the beginning of this parliament, the Scots were stiled Brethren; and, in conformity with this appellation, the grant of 300,000*l.* for payment of their army, after the pacification, was called Brotherly-Assistance Money.

set asunder between the king and his people, did, upon the 15th day of July, 1642, at Manchester, and at several other times and places, actually, maliciously, rebelliously, and traiterously, summon and call together great numbers of his majesty's subjects, and them, persuade, and encourage them to take up arms and levy war against the king, parliament, and kingdom.—II. That the said James lord Strange, in further prosecution of his traitorous and wicked, traiterous, and malicious purposes, did, upon the said 15th day of July, at Manchester aforesaid, maliciously, and traiterously, raise great forces of men and horse, and levied war against the king, parliament, and kingdom.—III. In further prosecution of the aforesaid wicked, traiterous, and malicious purposes, the said James lord Strange, and divers other persons whom he had drawn into his party and traiterous action, did, also, upon the said 15th day of July, at Manchester aforesaid, maliciously and traiterously, with force and arms, and in an hostile and warlike manner, kill, murder, and destroy, Rd. Percival, of Kirkmanshalme, in the said county of Lancaster, linen-webster; and did then and there, at divers other times and places, in the like hostile manner as aforesaid, shoot, strike, hurt, and wound divers others of his majesty's good subjects, contrary to the laws and peace of this kingdom of England, and contrary to his majesty's royal crown and dignity.—IV. The said James lord Strange hath set and framed on the king and his people, and now is in open and actual rebellion against the king, parliament, and kingdom.—For which matters and things the knights, citizens, and burgesses of the house of commons do, in the name of themselves, and of all the commons of England, impeach the said James lord Strange, of High Treason.—And the said commons, by protestation, saving to themselves the liberty of exhibiting at any time hereafter, any other accusation, &c. do pray that the said James lord Strange may be put to answer all and every the premises, that such proceedings, examinations, trials, and judgment, may be upon them, and every one of them, had and used, as shall be agreeable to law and justice."

Ordered, That the Answer to be returned to the house of commons shall be, That this house hath received the Impeachment against the lord Strange; and that they will take the best course they can to have the lord Strange brought to answer the said impeachment.

The lords taking into consideration what course to take for sending to summon the lord Strange to appear, and answer his Impeachment of High Treason, and considering that, if messengers be sent they will be imprisoned, and if proclamation-writs be sent down they will not be sealed: therefore they thought fit to communicate this to the house of commons, to advise in this case how delinquents may be brought up to trial. A Message was accordingly sent, to desire a conference with the commons, concerning the Impeachment of the lord Strange.

Sept. 16. The commons sent up to desire the lords to write to the lord-general to advance the Army towards the place where the king was, as soon and as conveniently as so great a body can move, and as, in his wisdom, he shall think fit; and that a Petition and Instructions shall be sent after him: but the lords thought fit the lord-general should have the Petition and Instructions before he marched his army, and that the commons be desired to hasten them.

An Order was made, in the nature of a Proclamation, against the lord Strange, to be printed and published in all churches and chapels, and all market towns, &c. prohibiting all persons to join with or assist him with men, money, ammunition, &c.

The Parliament's Answer to the King's last Message.] An Answer to the King's last Message to the parliament was this day read and agreed to, and ordered to be presented to his majesty by sir Rd. May. It was as follows:

To the King's most Excellent Majesty; The Humble ANSWER of the Lords and Commons in Parliament assembled, to his Majesty's last MESSAGE of the 11th of September, 1642.

"May it please your majesty; We the lords and commons in parliament assembled, do present this our humble Answer to your majesty's Message of the 11th of this instant Sept. When we consider the oppressions, ruines, firing of houses, and murders (even at this time when your majesty propounded a Treaty) committed upon your good subjects by your soldiers, in the presence, and by the authority of their commanders, being of the number of those whom your maj. holds yourself bound in honour and conscience to protect, as persons doing their duties; we cannot think that your maj. hath done all that in you lies to prevent or remove the present distractions; nor so long as your maj will admit no peace, without securing the authors and instruments of these mischiefs from the justice of the parliament; which yet shall be ever dispensed with all requisite moderation and distinction of offences; although some of those persons be such, in whose preservation your kingdom cannot be safe, nor the unquestionable rights and privileges of parliament be maintained, without which the power and dignity thereof will fall into contempt.—We beseech your majesty therefore to consider your expressions, 'That God shall deal with you and your posterity, as your maj desires the preservation of the just rights of parliament;' which being undeniable in the thing, of such as we have declared to be delinquents, we shall believe your majesty, both towards yourself and parliament, will not, in this privilege we are most sensible of, deny us that which belongs unto the meanest court of justice in this kingdom. Neither hath your maj. cause to complain, That you are de-

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and a Treaty, when we offer all that a Treaty can produce, or your maj. aspect; security, honour, service, obedience, support, and all other effects of humble, loyal, and faithful subjection; and seek nothing but that our religion, liberty, peace of the kingdom, and safety of the parliament may be secured from the violence and cunning practices of a wicked party, who have long plotted our ruin and destruction. And if there were any cause in Treaty, we know no competent persons to treat betwixt the king and parliament, and it be in cause and persons were such as to invite a Treaty, the season is altogether unfit, whilst your majesty's Standard is up, your Proclamations and Declarations unrecalled, whereby your parliament is charged with treason. If your majesty shall persist to make your sword a shield and defence to those instruments, and shall continue to reject our faithful and necessary advice of securing and maintaining religion and liberty, with the peace of the kingdom and safety of the parliament; we do not but not, to indifferent judgments, it will appear who is most tender of that innocent blood which is like to be spilt in this cause, your majesty, who, by such persisting, doth endanger yourself and your kingdoms, or we who are willing to hazard ourselves to preserve both. We humbly beseech your majesty to consider how impossible it is that any protestations, though published in your majesty's name, of your tenderness of the miseries of your protestant subjects in Ireland, or your resolutions to maintain the protestant religion and laws of this kingdom, can give satisfaction to reasonable and indifferent men; when, at the same time, divers of the Irish traitors and rebels, the known favourers of them, and agents for them, are admitted to your majesty's presence with grace and favour, and some of them employed in your service; when the cloaths, munition, horse, and other necessaries bought by your parliament, and sent for the supply of the army against the rebels there, are violently taken away, some by your majesty's command, others by your ministers, and employed to the maintenance of an unnatural war against the people here.—All this notwithstanding, as we never gave your majesty any just cause for withdrawing yourself from your great council, as it hath ever been, and shall ever be, far from us to give any impediment to your return; or to neglect any proper means of curing the distempers of the kingdom, and closing the dangerous breaches betwixt your majesty and your parliament, according to the great trust which lies upon us. And if your majesty shall now be pleased to come back to your parliament without your forces, we shall be ready to secure your royal person, crown and dignity, with our lives and fortunes; your presence in this great council being the only means of any Treaty betwixt your majesty and them with hope of success. And in name of our desires to your majesty shall we be swayed by any particular man's advantage, but shall give a clear testimony to your maj. and the whole world, that, in all things done by us, we totally intend the good of your maj. and of your kingdom; and that we will not be divested from this end by any private or [illegible] whatsoever."

Sept. 17. An Impeachment of High Treason [illegible] by the commons and read, but not entered in the Journals, against [illegible] Earl of Berkshire, [illegible] Earl of Dorset, [illegible] Earl of Clare, [illegible] Earl of Portland, [illegible] Lord Newburgh, [illegible] Lord Berkeley, [illegible] Lord Rodney, [illegible] Lord Wisdham, Tho. [illegible] and Edw. [illegible].

The Parliament's Petition to the King, [illegible] Sir Robert Harley, [illegible] Sir Edward Dering, [illegible] Sir Thomas Barrington, [illegible] Sir Walter Earle, [illegible] Sir John Hotham, [illegible] Sir Hardress Waller, [illegible] Sir Thomas Widdrington

deprived of your majesty's protection, and the authors, counsellors, and abettors of these mischiefs in greatest power and favour with your majesty, and defended by you against the justice and authority of your high court of parliament (whereby they are grown to that height and insolence as to manifest their rage and malice against those of the nobility and others, who are any what inclinable unto peace, not without great appearance of danger to your own royal person, if you shall not in all things concur with their wicked and traiterous courses) have, for the just and necessary defence of the Protestant religion, of your majesty's person, crown and dignity, of the laws and liberties of the kingdom, and the privileges and power of parliament, taken up arms; and appointed and authorized Robert earl of Essex to be captain-general of all the forces by us raised, and to lead and conduct the same against those rebels and traitors, and them to subdue and bring to condign punishment.—And we do most humbly beseech your maj. to withdraw your royal presence and countenance from these wicked persons; and, if they shall stand out in defence of their rebellious and unlawful attempts, that your maj. would leave them to be suppressed by that power which we have sent against them; and that your majesty will not rank your own dangers with theirs, but in peace and safety, without your forces, forthwith return to your parliament; and, by their faithful counsel and advice, compose the great distempers and confusions abounding in both your kingdoms, and provide for the security and honour of yourself and your royal posterity, and the prosperous estate of all your subjects wherein, if your maj. please to yield to our most humble and earnest desires, we do, in the presence of Almighty God, profess, that we will receive your majesty with all honour, yield you all due obedience and subjection, and faithfully endeavour to secure your person and estate from all dangers: and, to the uttermost of our power, procure and establish to yourself, and to your people, all the blessings of a glorious and happy reign."

The Parliament's Instructions to their Captain-General.] The same day, and by the same messenger, the commons sent to the lords a form of the Instructions, by which their general was to act; both which were agreed to by them as follows:

INSTRUCTIONS of the Lords and Commons now in Parliament assembled, to be given to his Excellency Robert Earl of Essex, General of the Army.

1. "You shall carefully restrain all impieties, profaneness, disorders, violence, insolence, and plundering, in your soldiers, as well by strict and severe punishment of such offenders, as by all other means, which you in your wisdom shall think fit. 2. Your lordship is to march with such forces as you think fit, towards the army raised, in his majesty's name, against the parliament and kingdom; and with them, or any part of them, to fight, at such time and place as you shall judge most to conduce to the peace and safety of the kingdom. And you shall use your utmost endeavours, by battle or otherwise, to rescue his majesty's person, and the persons of the prince and the duke of York, out of the hands of those desperate persons who are now about them. 3. You shall take an opportunity, in some safe and honourable way, to cause the Petition of both houses of parliament, herewith sent unto you, to be presented unto his majesty: and if his maj. shall thereupon please to withdraw himself from the forces now about him, and to resort to the parliament, you shall cause all those forces to disband, and shall serve and defend his maj. with a sufficient strength in his return. 4. You shall publish and declare, That if any, who have been so seduced by the false aspersions cast upon the proceedings of the parliament, as to assist the king in the acting of those dangerous counsels, shall willingly, within ten days after such publication in the army, return to their duty, not doing any hostile act within the time limited, and join themselves with the parliament, in defence of religion, his majesty's person, the liberties and laws of the kingdom, and privileges of parliament, with their persons and estates, as the members of both houses, and the rest of the kingdom have done; That the lords and commons will be ready, upon their submission, to receive such persons in such manner, as they shall have cause to acknowledge they have been used with clemency and favour; provided that this shall not extend to admit any man into either house of parliament, who stands suspended, without giving satisfaction to the house whereof he shall be a member, and except all persons who stand impeached or particularly voted, in either house of parliament, for any delinquency whatsoever, excepting likewise such adherents of those who stand impeached in parliament of treason, as have been eminent persons and chief actors in those treasons, and except the earls of Bristol, Cumberland, Newcastle, and Rivers, secretary Nicholas, Mr. Edm. Porter, Mr. Edw. Hide, the duke of Richmond, the earl of Caernarvon, the lord Newark, and the lord Falkland, one of the principal secretaries of state to his majesty. 5. You shall apprehend the persons of all those who stand impeached in parliament, or have been declared traitors by both or either house of parliament, or otherwise delinquents; and you shall send them up to the parliament to receive condign punishment, according to their offences. 6. You shall receive the loans or contributions of money, plate, or horses, from all his majesty's loving subjects, which they shall be willing to make for the support of the charge of the army, and better discharge of the service of the commonwealth; and you shall certify all such sums of money, and the value of such horses, that the parties may thereupon have the benefit of the public faith, for payment to be made unto them as to others of his majesty's

subjects, upon the propositions for the subscriptions of money, plate, and horses. 7. You shall carefully protect all his majesty's subjects from rapine and violence by any of the Cavaliers, or other soldiers of his majesty's pretended army, or by any of the soldiers of the army which you command; and you shall cause the arms and goods of any person to be restored to them, from whom they have been unjustly taken. 8. You shall observe such further directions and instructions, as you shall, from time to time, receive from both houses of parliament."

And Committee of both Houses appointed to attend their Army.] Sept 22 Mr Pym came up from the commons, with a copy of some additional Instructions, or Direction, to the former, for constituting a standing Committee of assistant members from both houses, in the army, to which they also desired their lordships concurrence: this was also read and approved of, and a select number of lords appointed for that purpose. Their names were, the earl of Essex lord-general, the earls of Peterborough and Stamford, the lords Kimbolton, Wharton, St. John, Fielding, Hunsdon, Hastings, Brook, Roberts, and Willoughby of Parham. These 12, with 24 commoners, were in act of parliament

1. "The said Committee, or the greatest part thereof of the said earl of Essex to be one, shall have power to meet together at such times and places as they shall think fit, and to consider and advise touching such matters that shall concern the army, as the said earl shall think convenient. And, from time to time, shall acquaint both houses of parliament with their Resolutions thereon, that both houses may do their proceed thereupon, as to them shall be thought convenient. 2. That, in any matters, wherein the said Committee, or any three of them, shall have power and direction to advise and give order, they shall use their utmost endeavours to give the same in such sensible terms as they can, to satisfy the army with reason and not obstinacy, so that the said army may be induced to disband, or to take the [illegible] shall give leave to [illegible] or other provisions whatsoever [illegible] the army, and shall give a [illegible] person that shall [illegible] using the matter [illegible] shall [illegible] and settled with the lord general earl of Essex, and any two of the [illegible] committee, whereof the said earl to be one, the lords and commons, shall be sufficient warrant for the party that shall so lend or advance, to receive the same again, with interest after the rate of 8*l* per cent. out of such moneys as shall be collected for the affairs of this kingdom, and both houses do engage the public faith for the same. 3 They, or any 8 of them, whereof the earl of Essex to be one, shall have power, and are hereby authorized, to sit with the said earl, and to examine all such persons as shall be sent for, apprehended, or brought before them, by virtue of any Warrant, sent and issued under the hand of the lord general, and shall have power to continue them in safe custody, and send them up to parliament, or discharge them, as they shall think fit, and shall most tend to the public good."

The E. of Essex assembles all his Forces at Northampton. And the King his at Shrewsbury.] Sept 23 A strict Order was made for all the regiments of horse and foot in the parliament's service, to repair forthwith to the rendezvous appointed for them. The earl of Essex had 15 or 16000 men. The king, after creating his Standard at Nottingham marched from thence to Derby, Stafford, and Leicester, and so into Wales. At Shrewsbury the king's army was increased to 18 or 20000 men, and great quantities of plate being brought in to him, he coined a new mint and [illegible] at it. But the [illegible] by his [illegible] from the [illegible] and his pawned jewels, by contributions from the lord and gentlemen with him at York, and by a loan from the Universities of Oxford. On the other hand the parliament were furnished with money, by loans of the public [illegible], and, by the [illegible] orders of [illegible] commissioners, and other ways devised, a very great quantity of money, plate and ammunition was brought in. Besides all this, parliament had also [illegible] 200 voted to be [illegible]

The King's Declaration at the Head of his Army.] In the king's progress through the [illegible] counties, he collected [illegible] and published a declaration, [illegible] several speeches to [illegible] which he pretended [illegible] Hull. [illegible] In this declaration [illegible] which was [illegible] the 29th of this [illegible]

[illegible] Subjects, and Protestants, [illegible] Head of his Army, between [illegible] Worcester, the 19th of September 1642. after the reading of his Order

Gentlemen, You have heard these Orders read [illegible] your several places, [illegible] time cannot be [illegible] to give out in writing, therefore you [illegible] as to be carried; and I must [illegible] you, I shall be very severe in the punishing of those, that will [illegible] Order. I cannot suspect your courage [illegible] You are friends [illegible] and the laws [illegible] with [illegible] enemies, but traitors, most [illegible] Brownists Anabaptists [illegible]

tists, and Atheists; such who desire to destroy both Church and State, and who have already condemned you to ruin for being loyal to us. That you may see what use I mean to make of your valour, if it please God to bless it with success, I have thought fit to publish my resolution to you in a Protestation; which, when you have heard me make, you will believe you cannot fight in a better quarrel; in which I promise to live and die with you."

His Majesty's Protestation.

"I do promise in the presence of Almighty God, and as I hope for his blessing and protection, That I will, to the utmost of my power, defend and maintain the true Reformed Protestant Religion, established in the Church of England, and, by the grace of God, in the same will live and die. I desire to govern by the known laws of the land, and that the liberty and property of the subject may be, by them, preserved with the same care as my own just rights. And if it please God, by his blessing upon this army raised for my necessary defence, to preserve me from this rebellion, I do solemnly and faithfully promise, in the sight of God, to maintain the just privileges and freedom of parliament; to govern by the known laws of the land, to my utmost power; and particularly to observe inviolably the laws consented to by me this parliament. In the mean while, if this time of war, and the great necessity and straits I am now driven in, beget any violation of those; I hope it shall be imputed, by God and man, to the authors of this war, and not to me, who have so earnestly laboured for the preservation of the peace of this kingdom.—When I willingly fail in these particulars, I will expect no aid or relief from any man, or protection from Heaven: but in this resolution I hope for the cheerful assistance of all good men, and am confident of God's blessing."

After the reading of this Speech and Protestation, it is entered, that "Because these may prove of much prejudice to the parties that are employed by the parliament in the army, the house resolved, That a conference be held with the commons, to order to appoint a committee of both houses, to consider of somewhat to be printed by their authority, along with the said Protestation, to vindicate the reputation of those persons concerned, and that somewhat may be expressed in it, That it is not the intent of parliament utterly to take away the Common Prayer-Book, as is rumoured abroad."

The Earl of Essex's Speech and Protestation, at the Head of the Parliament's Army.] About the same time was printed the following Speech and Protestation of the earl of Essex, at the Head of the Parliament's Army, before his arrival at Worcester, on the 24th of September.*

"Gentlemen and Fellow Soldiers; Ye are at this time assembled for the defence of his majesty, and the maintenance of the true Protestant religion, under my command, I shall therefore desire you to take notice what I, that am your general, shall, by my honour, promise to perform toward you, and what I shall be bound to expect that you should perform towards me. I do promise, in the sight of Almighty God, that I shall undertake nothing but what shall tend to the advancement of the true Protestant religion, the securing of his majesty's royal person, the maintenance of the just privilege of parliament, and the liberty and property of the subject; neither will I engage any of you into any danger, but (though far many reasons I might forbear) I will to my own person run an equal hazard with you; and either bring you off with honour, or (if God have so decreed) fall with you, and willingly become a sacrifice for the preservation of my country.—Likewise I do promise that my ear shall be open to hear the complaint of the poorest of my soldiers, though against the chiefest of my officers; neither shall his greatness, if justly taxed, gain any privilege, but I shall be ready to execute justice against all, from the greatest to the least. Your pay shall be constantly delivered to your commanders, and if default be made by any officer, give me timely notice, and you shall find speedy redress. This being performed on my part, I shall now desire what is your duty toward me, which I must likewise expect to be carefully performed by you. I shall desire all and every officer to endeavour, by love and affable carriage, to command his soldiers; since what is done for fear is done unwillingly, and what is unwillingly attempted can never prosper. Likewise it is my request that you be careful in the exercising of your men, and bring them to use their arms readily and expertly, and not to busy them in practising the ceremonious forms of military discipline, only let them be well instructed in the necessary rudiments of war, that they may know to fall on with discretion, and retreat with care; how to maintain their order, and make good their ground.—Also I do expect that all those, who have voluntarily engaged themselves in this service, should answer my expectation in the performance of these ensuing Articles. 1. "That you willingly and cheerfully obey such as, by your own election, you have made commanders over you. 2. That you take special care to keep your arms at all times fit for service, that, upon all occasions you may be ready, when the signal shall be given by the sound of drum or trumpet, to repair to your colours; and so to march upon any service, where and when occasion shall require. 3. That you bear yourselves like soldiers, without doing any spoil to the inhabitants of the country: so doing you shall gain love and friendship, where otherwise you will be hated and complained of, and I, that should protect you, shall be forced to punish you according to the severity of law. 4. That

* From the edition of the times, published by Henry Fowler, Sept. 29, 1642.

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to accept and rest satisfied with such quarters as shall fall to your lot, or be appointed you by your quartermaster. 5. That you shall, if appointed for sentries or pardues, faithfully discharge that duty, for, upon fail hereof, you are sure to undergo a very severe censure. 6. You shall forbear to profane the Sabbath, either by being drunk, or by unlawful games; for whosoever shall be found faulty must not expect to pass unpunished. 7. Whosoever shall be known to neglect the feeding of his horse with necessary provender, to the end that his horse be disabled or unfit for service; the party, for the said default, shall suffer a month's imprisonment, and afterward be cashiered as unworthy the name of a soldier. 8. That no trooper, or other of our soldiers, shall suffer his paddes to feed his horse in the corn, or to steal men's hay, but shall pay every man for hay 6*d.* day and night, and for oats 2*s.* the bushel. And lastly, 9. That you avoid cruelty; for it is my desire rather to save the lives of thousands than to kill one, so that it may be done without prejudice.—These things faithfully performed, and the justice of our cause truly considered, let us advance with a religious courage, and willingly adventure our lives in the defence of the king and parliament."

Letters from the Earls of Essex and Dorset, relating to the Parliament's Petition to the King.] Oct. 3. The lords received a packet of Letters from the Lord-General, in which was a copy of one his lordship had sent to the earl of Dorset in these words:

"My lord, I am commanded by the parliament to present their humble desires in a Petition to his majesty, which I desire your lordship would acquaint him with; that I may know his majesty's pleasure what answer he will have it presented to him, and that there may be a safe convoy for such persons as I shall send to his majesty with it. I have thought fit to put this trouble upon your lordship, knowing your nearness to the king, and believing your willingness to do a courtesy. Your, &c. ESSEX."

The Earl of Dorset's Answer was as follows:

"My lord; The king's late arrival here last night is the cause I could no sooner return this gentleman. According to your lordship's desire, I have acquainted his majesty with the Petition you are ordered to present to him from the parliament. He hath commanded me to let your lordship know, That the Petitions of the houses shall never find his ear shut against them; and that those whom you shall appoint to bring it (so they be none of those he hath, by name, accused of treason) shall come and go very safely; so as they come hither to-day, and send a trumpet before to acquaint the king with their entrance.* I rest, &c. DORSET. Shrewsbury, Sept. 28, 1642."

Next the Lord-General's Letter to the Committee of Safety was read, in hæc verba:

"My lords and gentlemen; Having received from both houses of parliament a Petition to his majesty, I did send a letter to the earl of Dorset, by Mr. Fleetwood, unto which I received Answer last night: and because the Answer concerns much the parliament, I held it fit to send you copies of both, and I desire they may be presented to both houses. Your lordships will quickly see the ridiculous arising from this Answer; not only in the ambiguity of the phrase, 'He hath, by name, accused of treason,' which both houses are themselves declared already, by his majesty's Proclamations, and Declarations, set forth before my coming from parliament, but also the uncertainty of what other Proclamations have been since made, and who therein have been personally named; and chiefly in this, That admitting this doubtful phrase to be intended strictly, I cannot send such who have been already accused by name, without exposing them to the uttermost hazard; and to send others, who are not personally named, might, upon this restriction, allow that exception, and thereby deeply wound the parliament, who never admitted any such restriction. This causeth me to suspend the sending of the Petition, and to make this address to the Committee. I am, &c. ESSEX. Worcester, Sept. 20, 1642."

A conference being held on the contents of these Letters, both houses came to the following Resolutions: 1. "That it doth not stand with the honour and privilege of parliament, that the Petition be delivered to the king under the restrictions mentioned to the earl of Dorset's letter. 2. That the lord-general shall signify unto his majesty, by such means as he shall think fit, the Resolutions of both houses, concerning the delivery of this Petition." But this second Resolution was altered by the lords, to "That the lord-general, by himself, or such hands as he shall think fit, shall, with all convenient speed, deliver the Petition unto his majesty. 3. That the lord-general shall be desired to proceed, according to his former instructions, in such manner as, in his own judgment, he shall think fittest and most advantageous to the service."

Advice of the king's coming to London with his Army.] Both houses seem now extremely busy, the several days, in issuing out Orders for payments of Money, on different affairs, but all towards carrying on the war, with others matters of less concernment, such as sending for delinquents, and imprisoning them; but no public or private bills, or even a private cause, nor so much as mentioned in either Journal; provision for their own safety being now their principal business. On the 12th of this month, the lords at a conference, were informed, that the king was coming to London with a great army, and not only a trooper in his guards, without a trumpet, or any ceremony. This Mr. Fleetwood, afterwards raised himself to the rank of a general, and was one of Cromwell's upper house

* Lord Clarendon informs us, That the earl of Essex's Letter was sent by Mr. Fleetwood, [illegible]

formed that the committee of safety had, the night before, received letters of the king's intentions to leave Shrewsbury, and march with his army directly towards London. On this intelligence the commons desired, lest the people should be frightened and taken unawares that the aforesaid committee might draw up a declaration, to be published through all the neighbouring counties, for the Trained Bands and all the forces, in and about London, to be put into a posture of defence, and be placed under such officers as that they may be ready at an hour's warning.

The Parliament's Orders for Defence of the City.] Oct 14. It was ordered, That guard-houses, with posts, bars and chains, be forthwith erected and set up, in such places and by-lanes, in the parishes of St. Margaret's, Westminster, St. Martin's in the Fields, in the confines of Westminster; St Clement's, Danes, St. Mary, Savoy, St. Andrew's, Holborn; St. Giles in the Fields; Covent-Garden, St John's-Street; St. James at Clerkenwell, St. Giles, Cripplegate; Shoreditch, White-Chapel, Islington, Mile-End, Southwark, and Lambeth, as should be thought necessary and convenient for the defence and safety of London and Westminster: and that the Trained Bands and Volunteers of the said parishes should be under arms, and keep watch day and night; that they should seize and arrest all suspicious persons, arms, or ammunition, passing or repassing through the said places, and them keep till the pleasure of the parliament was known.

Bill for calling an Assembly at Divines.] Oct. 15. A bill was sent up to the lords, intitled, 'An Act for calling an Assembly of godly and learned Divines, to be consulted with by the parliament, for settling the Government and Liturgy of the Church of England, and for vindicating and clearing the Doctrine thereof from false aspersions and interpretations.' The commons desired the lords to give expedition to this bill, because it was to commence on the 5th of Feb next; and it was read a first time this day.

Resolutions as to Contributions to the Parliament Loan, &c.] Oct. 15. p. m. A conference was held between the two houses, in which the commons delivered the following Resolutions for their lordship's concurrence; which was granted. Resolved, 1. That such persons as shall not contribute to the charge of the common-wealth, in this time of imminent danger, shall be held fit to be disarmed and secured. 2. That the fines, rents and profits, of archbishops, bishops, deans, deans and chapters, and of such notorious delinquents as have taken up arms against the parliament, or have been active in the Commission of Array, shall be sequestered for the use and service of the common-wealth. 3. That the king's revenue, arising out of rents, and fines in courts of justice, compositions for wards, and the like, and all other his majesty's revenues, shall be brought into the several courts and other places where they ought to be paid in; and not issued forth nor passed out, without Orders from both houses of parliament."

In consequence of the first of these Resolutions many persons, who refused to lend moneys, were sent for by the commons as delinquents; of whom we shall mention one only as an instance. Mr Fountayne, a barrister at law, being asked by the speaker, Whether he would contribute any thing in this time of common danger; said, He did humbly desire that he may not be compelled to give any answer. But being pressed to give his reason for refusing to make any answer, he replied, Because he conceived it to be against the Petition of Right. Hereupon the commons resolved, That he be committed prisoner to the Gatehouse, there to remain during the pleasure of that house for his contempt, and that his arms be seized and taken from him by the sheriffs of London. However, a few days after, upon Mr. Fountayne's humble petition, the commons gave him leave to go, with the keeper of the Gatehouse, to bury his wife, but this liberty not to exceed four days.—A committee was also appointed to prepare a Declaration to set forth, That this demurring of contribution upon the Propositions, is according to law; and to set a mark of malignity and disaffection upon such as shall refuse to contribute, in this time of common danger.

The Parliament's Order for assembling the Trained Bands.] Next was read the following Declaration, ordering all Trained Bands to be in readiness. It was also agreed to by the lords, and ordered to be printed and published.

"The lords and commons in parliament, considering, with much tenderness and compassion, the miserable condition of this kingdom, distracted and distempered with many present evils and imminent dangers, and brought now to such height of extremity in misery, that two English armies are near together, even ready to join in a dreadful and bloody encounter, through the violent and wicked counsel of those who have captivated both the person and the power of the king to their own impious and traiterous designs: do therefore think good to publish and declare the same to the kingdom, together with some Directions and Provisions which may prevent the utter desolation and ruin both of religion and liberty, already overwhelmed and suppressed in the intention and hope of those rebels and traitors about the king, to which purpose it is desired by both houses, that all well-affected subjects may take notice of these particulars, that the king, by the help and assistance of the Papists, the prelatical and corrupt part of the clergy, the delinquent nobility and gentry, and by the confluence of some notable traitors from beyond seas, the lord Digby, O'Neale, and others, and of many desperate, mercenary, and ill-affected persons from all parts of the kingdom, hath raised an army, armed, cloathed, and fed, for the most part, with the spoils of his subjects; giving them leave to plunder and rob all sorts of people, and to exact money and plate from

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corporations, by threatening fire and sword if they should refuse it.—That this wicked counsel doth not only hinder his majesty from exercising the justice and protection of a king towards his people, but even that honour which is observed between enemies; for by a confident instrument of his majesty, sir John Henderson, a Papist, as we are credibly informed, and David Alexander was hired to kill sir John Hotham, telling him it would be a good service both to God and the king, which he refused to do, saying, 'I take the work of a butcher, and not of a murther.' This Alexander being a Scotsman of a very poor fortune, and of a mind fit for desperate attempts, it is suspected for that cause while he was at Hertford, and when he came to his presence he called him publickly in the hall and appointed a sum of money to be given him, which he received.—After which another proposition was made to him by the said Lord Digby, that he would put fire to the magazine of the army raised by the parliament, and so gain the better opportunity to effect what he should labour to get some employment to the train of artillery, which he confessed he endeavoured to obtain; but the said wicked effect his mischievous intention, he was discovered, apprehended, and examined, and thereupon confessed the practice and undertaking the particulars thereof mentioned in the examinations thereupon taken. That the king doth send out letters to [illegible] professing, That those who will not lend their moneys do give him just cause to suspect their duty to his person and the peace of the kingdom: and that will be a sufficient reason to make them liable to be plundered and [illegible] of all their [illegible], but, such is the virtue of the king's name, that then [illegible] are in both better case than they who upon those letters and those who escape best must yield and hold the soldiers for [illegible] where the Irish [illegible] forth to serve [illegible] the most part, their arrears [illegible] and put upon those who [illegible] and less interested in the [illegible] so likely to be [illegible] spoil. By the [illegible] his majesty cannot stir [illegible] and it is the earnest desire of [illegible] that he would march forward [illegible] those rich and trustful [illegible] being like to yield them [illegible] cities, and if we [illegible] faction of their hopes, where they [illegible] think to find a party, which, upon his majesty's approach, may make [illegible] and facilitate their designs upon the city.—That if the king's army prevail, the good subject can expect nothing but that their lives and fortunes will be exposed to the malice and rapine of those ravenous soldiers, who often talk of cutting the throats of honest and religious men, and have long expected their goods and estates, as the rewards of their service; the kingdom will again fall under the government of those mischievous counsels, who, before this parliament, had even brought both religion and liberty to ruin, and we shall have no hope left of any more parliaments, but such as shall be concurrent and subservient to these ends.—[illegible] of raising and preventing [illegible] Peers and Deputy-lieutenants, to be their Captains and principal Officers, and Loan and Contribution, for the army raised by the parliament under the Lord-General the earl of Essex, which is no whit inferior in horse and foot to the king's army, better armed, [illegible] paid, resolved and disciplined, and [illegible] much [illegible] by [illegible] of all outward necessities, but also by all [illegible] arranged and instructed in the goodness of the cause, by the labour of many [illegible] painful divines.—That the Archbishop of York ready always to attend the [illegible] of the king's army, [illegible] in one body [illegible], as he shall be required, according to the wise conduct and direction of the Lord-General, that so no opportunity of fighting upon advantage be lost, nor the greedy soldiers of the king's army suffered to range and spoil the countries at their pleasure. That those counties through which the king's army is to pass, [illegible] themselves, and draw all their forces together, for the mutual defence of their persons and goods from oppression and spoil. That those counties be required to send in all their horses [illegible] for carriages and dragoons, as [illegible] for the assistance of the Lord-General; (for which in convenient time, he shall receive satisfaction) as likewise that by such means those horses may be kept from being employed by the [illegible] army. That command and direction be given to all [illegible] Counties and deputy-lieutenants, [illegible] all the Trained Bands and all Volunteers [illegible] into readiness to be brought to such rendezvous, and to be conducted by such commanders in chief, as shall be appointed by the commands from the [illegible] Parliament, or by the Lord-General; [illegible] the petition to [illegible] counties, and the inhabitants [illegible] for their own protection and [illegible] that [illegible] will thereby strengthen [illegible] those parts, so he shall see [illegible] ammunition, and ordnance, [illegible] necessaries be prepared for [illegible] things, with all any trouble or [illegible] that they may be brought together, and [illegible] upon all sudden occurrences. [illegible] who in the city of London or [illegible] shall wear any colours or other [illegible] whereby they may be discerned from others, and known to be of the Malignant Party, shall be examined, searched, and disarmed; as likewise all others who, being able, shall not lend or contribute towards the public safety of the kingdom in this time of so great and imminent danger. That it be commended to the serious consideration of those in the king's army, and of all others that intend to assist and succour his majesty in this

[illegible]

impious and unnatural war, (amongst whom it may be hoped there are some honest men and protestants) what it is that moves them in this quarrel.—Is it for fear of some innovations and alterations of religion, or Church-government? Let such as are possest with this vain and causeless apprehension know, that nothing is intended or desired, but to take away the government by bishops, which hath been so constantly and evidently mischievous to the church and state; with such other things as shall be found to be justly offensive; and nothing to be settled and introduced but by authority of parliament, after consultation first had with an assembly of learned and reverend Divines.—Is it to uphold the authority, prerogative, and honour of the king, and to preserve the safety of his royal person? Surely the parliament is, and ever hath been, ready to do any thing that belongs to them to secure all these; which they have often testified by many humble Petitions to his majesty. If there be no cause, for any of these respects, to seek the destruction of the parliament, and the blood and ruin of their kindred, friends, and acquaintance; what remains then to be the matter of the quarrel, the motives of such great combustions, and the effects and consequences of their victory if they should prevail? That priests, Jesuits, and the pope's nuncios, may domineer and govern in the king's counsel, as heretofore; that the archbishops of Canterbury and York, and their suffragans, may suppress diligent and powerful preaching, banish and oppress all the most pious and best affected subjects of the kingdom, and introduce the Popish religion, under Protestant profession; till they have strength and boldness to cast off the disguise, and openly appear that which indeed they are, and would not seem to be. That the earl of Bristol, and his son the lord Digby, Mr. Jermyn, and other such traitors, may possess the great places and government of this kingdom; and be the arbiters of the affairs of state, and distributers of preferments and disgraces to such who shall further or oppose their designs. That the delinquents, oppressors, and destroyers of the kingdom, may not only escape the justice of the parliament, but triumph in the spoils of all honest men and good patriots; that through our troubles and divisions, the rebels in Ireland may prevail; that we may cease to be a free nation; and become the object of cruelty and oppression at home, and of scorn and infamy abroad. And if there can be no other fruit of their hazard and endeavours on that side, let them then consider whether, by adhering to the parliament, they may not expect effects, more suitable to the desires of honest men, the glory of God, in the preservation of his truth; the peace of the church, by securing it against the pride, avarice, and ambition of the clergy. the honour, greatness, and security of the king, by freeing him from false and traiterous counsels, and establishing him in the hearts and affections of his people, the prosperity of the whole kingdom, by the blessing of good laws and a righteous government."

Oct. 17. Alderman Pennington being chosen lord mayor of London, upon the removal of sir R. Gurney, he was ordered, on account of the lord keeper's absence, to appear before the lords in parliament for their approbation, before he was sworn at the bar of the Exchequer. The lords passed great compliments on the new lord mayor, for his experienced duty and loyalty to the king and kingdom, and were well pleased the city had made such a choice.

Oct. 19. The lord Coventry, who had revolted from the king to the parliament, sent a submissive Letter to the lords by the earl of Northumberland, and offered 2000*l.* in money for carrying on the cause in hand. alledging, that though he had subscribed, at York, to furnish the king with horses, &c. he did it only for one month, and would not contribute or meddle, in any thing of that nature, hereafter: desiring to be protected, in person and estate, and have his goods in Worcestershire restored to him. All which the lords readily accepted of and promised him.

Letters from the E. of Essex, &c. concerning the last Petition to the King.] Oct. 20. A conference was held, in which were exhibited some Letters from the earl of Essex, dated from Worcester, sent to the Committee of Safety; and, first, one from himself.

"My lords and gentlemen; In obedience to your commands, I sent Mr. Lionel Copley, with a Letter and three Votes of both houses, with a desire of a safe conduct to such as should be sent with the Petition to his majesty; my lord Dorset's Answer I have sent your lordships, who can better tell how to consider of it than I your servant. My lords, this Answer did not take me unprovided; for, since the first Answer I sent up to the parliament, I expected no better. And for my head, which is so much sought after, if God please, I intend to sell it at such a rate that the buyers shall be no great purchasers. I shall not, in this letter, presume further upon your patience, acknowledging the great affairs you have, only this, assuring you, That I shall neither spare any hazard or pains to declare myself to be, Your, &c. ESSEX. Worcester, Oct. 18, 1642."

Next the Letter from the earl of Dorset, in answer to that from the Lord-General, was read

"My lord; I have received your Letter of the 15th and in it, the Votes of both houses of parliament of the 3rd; and have direction from his majesty to return you this Answer. That, if justice had been done, the gentleman that brought it could not expect his liberty. And for the address of the Petition of both houses, as his majesty, by my former Letter, declared his resolution, That he would not receive any by the hands of such as he had, by name, proclaimed traitors; so now his majesty, having declared you the principal in that number, will not receive any by your address but, as his maj. then declared by me, his ear shall

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still be open to hear any fitting address from either or both houses in such manner as his majesty hath declared. This being all I have in charge from his majesty to signify unto you, I remain, &c DORSET. Woolverhampton, Oct. 16, 1642."

Then followed a Letter from the Committee of both houses to their army, to the Committee of Safety at Westminster, in these words.

"My lords and gentlemen; In obedience to the commands of the houses, the lord-general dispatched Mr. Copley, commissary-general of the musters, to desire a safe convoy of all such as his excellency should send with the Petition of both houses to his majesty; and, yesterday morning, Mr Copley returned with the foregoing Answer, by which your lordships may perceive that his majesty absolutely refuses to receive any Petition by any address of the lord-general, as one who is there expressed to be the principal of the number of those whom the king hath proclaimed Traitors. This we humbly conceive to be an high indignity and scorn cast upon the authority of parliament, in the person of his excellency unto whom they have committed the care and government of their army, in which their religion and safety is so much concerned; and a final and utter rejection of the submiss, dutiful, and earnest desires of peace, so often laid at his feet, with the cries and groans of his loyal and loving subjects. My lords, we could not chuse but express this our sense of it, the further consideration whereof we leave unto your wisdoms, and rest. Your, &c. Bedford, Manderville,* Brooke, Willoughby, D Hollis, P Stapilton, Ar. Goodwyn —Worcester Oct 19, 1642."

After the reading of these Letters, the lords thought it fit that this denial of the king to receive the Petition from the lord-general, is likewise the danger this kingdom and the city of London is in by the inbanding of the king's army, with other particulars in the last conference, should be communicated to the citizens that they might be provided, and in readiness come upon an assembly of the citizens, which both houses took order should be upon for that purpose The lord mayor accordingly ordered to call a common hall for the committee of lords and commons should deliver this to them

Oct 22 An Ordinance was ready drawn to, importing, That the houses being credibly informed of the king's purpose to join his army with his army, and, by reason thereof giving great cause to exile their subjects are to destroy both [illegible] and they believe it therefore [illegible] for the present safety and defence, that all the streets of the city of London, and suburbs, should be strongly with searched, and the number of persons them, fit to be listed, taken, declaring and promising, upon the public faith, to satisfy and pay for such as shall miscarry in the use of them, and the rest to be returned to the owners of them, when this action shall be passed and the danger over This Order to be sent in the committee of the Militia in London and Westminster, and the lord-lieutenants and deputy-lieutenants of Middlesex and the neighbouring counties

Next follow the earl of Warwick's Commission, who had been recalled from the Fleet, constituting him Captain-General of all the Forces raised, or to be raised, in or about London, without any derogation to the commission already given by parliament to the earl of Essex.

The Parliament's Protestation to the whole World, in Vindication of their Proceedings.]

Then a Declaration of both houses, which had been drawn up by the committee of safety, was read, agreed to, and ordered to be printed; as follows

A PROTESTATION and DECLARATION of the Lords and Commons in Parliament, to this Kingdom, and to the whole World, Oct. 22, 1642.

"We the lords and commons in this present parliament assembled, do, in the presence of Almighty God, for the satisfaction of our consciences, and the discharge of that great trust which lies upon us, make this Protestation and Declaration to this kingdom and nation, and to the whole world, 'That no private passion or respect in the intention to his majesty's person, honour and authority, engaged us to raise forces, and take up arms against the authors of this war, wherewith the kingdom is now enflamed.' —And we have truly resolved from our hearts in souls unfeigned in our actions and proceedings, and in several humble Petitions and Remonstrances to his majesty, professed and vowed obedience to his royal, readiness and resolution to defend his person, and support his estate with our lives and fortunes in the [illegible] power —That we have been moved to [illegible] those injuries, [illegible] and false accusations, wherewith we have been unjustly oppressed and [illegible] public interest and [illegible] high most [illegible] to the preservation [illegible] and liberty, divers bloody, [illegible] and practises and designs, for the [illegible] of the church and state, so as [illegible] have been set on foot and wicked and Malignant Party [illegible] and [illegible] counsels, who have been the authors and fomenters of the former mischiefs and present calamities, which have and still do disquiet this church and state —That to the same purpose, and for the avoiding of blood, we have sent to the earl of Essex lord-general, [illegible] for others, in some [illegible] honourable way, to cause to be delivered an humble Petition, wherein we did de-

* So stiled as heir apparent to the earl of Manchester In the foregoing part of this work he is called lord Kimbolton, being summoned to the house of lords by his father's barony of that name.

[illegible]

sire nothing from his majesty, but that he would return in peace to his parliament, and, by their faithful counsel and advice, compose the distempers and confusions abounding in his kingdoms, as he is bound to do; we therein professed, in the sight of Almighty God, which [illegible] and the most solemn public faith which any such state as a parliament can give. That we would receive him with all honour, yield him all true obedience and subjection, and faithfully endeavour to defend his person and estate from all danger, and, to the uttermost of our power, to establish him and his people in all the blessings of a glorious and happy reign, as it is more largely expressed in that Petition.—For the delivery of which Petition, his excellency hath since sent unto the king humbly desiring a safe conduct for those who should be employed therein: but his majesty refused to give any such safe conduct, or to receive this humble and dutiful Petition in any manner from the earl of Essex, saying, 'That if it had been done, the gentleman who brought the 2nd Message could not expect to return.'—By all which, and many other evidences and inducements, we are fully confirmed in our judgments and belief, That the king's counsels and resolutions are so engaged to the Popish party, for the suppression and extirpation of the true religion, that all hopes of peace and protection are excluded, and that it is the intended grave satisfaction to the Papists, by toleration of religion, and to the Church and other soldiers, by exposing the wealth of the good subjects, especially of this city of London, to be sacked, plundered, and spoiled by them.—That for the better effecting hereof, great numbers of Papists have, in shew, conformed themselves to the Protestant religion, by coming to the church, receiving the Sacrament, and taking the oaths of Allegiance and Supremacy, which some of their own priests have encouraged them to do, by maintaining, 'That they might do all those things, and yet continue good Catholicks:' under which cover his maj. did, at first, begin to strengthen himself (those of that religion being weak, and unable to endure the envy and discontent which the arming of Papists would procure in the kingdom), and therefore endeavoured to keep off all jealousies and suspicions, by many fearful Oaths and Imprecations, concerning his purpose to maintaining the Protestant religion and the laws of the kingdom, causing some professed papists to be discharged out of his army, and none to be received that would not endure the test of coming to church, receiving the sacrament, and taking the Oaths of Allegiance.—That his majesty being now grown stronger, and able, as he conceives, to make good his own ends by arms, his confidence in the priests doth more clearly appear: persons imprisoned for Priests and Jesuits have been released out of the jail of Lancaster; professed Papists have been invited to rise and take up arms, commissions, under his majesty's authority, have been granted to many of them for places of command in this war, with power to raise men, and great numbers have been raised by them, and they daily increase; as namely, to sir Nich. Thornton, sir Tho. Howard, bart. sir Edw. Widdrington, sir Wm. Riddell, Mr. Smith of York, Mr. Gray of Middleton-Castle, Mr. Errington of Denington, Mr. Holtby, all of Northumberland, bishoprick of Durham, and Newcastle, to Mr. Clifton, Mr. Walter, sir Wm. Fenwick, bart. sir Cecil Trafford, and Mr. Anderson of Lostock, in the county of Lancaster; divers forces are raised, and paid by the earl of Worcester, his son, the lord Herbert, a notorious Papist, is made general of all South-Wales; and we are further informed out of Yorkshire, his divers persons of great worth and quality, But those that raise forces to those parts for his majesty, do arm and employ Papists, and use their advice in their consultations, all of it is contrary to the solemn Oaths, Protestations, and Execrations, wherewith he hath bound himself to maintain the Protestant religion and the laws of the land, by all which he endeavoured to get a confidence in the people of his good intentions; which, how well it is united, we leave to the world to judge.—That sir John Henderson and col. Cockram, men of all report both for religion and honesty, are sent to Hamburgh and Denmark, whence we are credibly informed, to raise forces there, and to bring them to Newcastle, to join them with the lord of Newcastle and the army of Papists which they intended to raise there; and that divers endeavours have been used, to other foreign parts, to bring strange forces into the kingdom.—That the king hath received about him divers Papists of Ireland, some of which are indicted of high treason for their rebellion there, notoriously known to have been in actual rebellion; as namely, the lord Taafe, sir John Owngane, col. Fitz-Williams, proclaimed rebels; dr. Mearn, indicted for the rebellion in Ireland, and fled for the same, and yet appointed physician to prince Rupert.—That his majesty hath sent for the Petition of the Irish Rebels, which the justices had stopped, with evident expression of favour to them; whereby that kingdom is like to become an unfit habitation of any Protestants, and a seminary of war and treason against this kingdom.—That divers English traitors, actors in the former designs against the kingdom and parliament, are the chief counsellors and actors in this unnatural war against his subjects, as the lord Digby, O'Neal, Wilmot, Pollard, Ashburnham, and others.—That we have been likewise credibly informed, that divers Jesuits and Priests, in foreign parts, make great collections of money, for relief of the Papists in Ireland, and the furthering of his majesty's designs here against the parliament; and that by them, and some others fled out of this kingdom for treason, great means are made to make up the differences betwixt some princes of the Romish religion that so they might unite their strength for the extirpation of the Protestant re-

ligion; wherein principally this kingdom and the kingdom of Scotland are concerned, as making the greatest body of the reformed religion in Christendom, and best able to defend themselves and succour other churches.—For all which Reasons we are resolved to enter into a solemn Oath and Covenant with God to give up ourselves, our lives and fortunes, into his hands; and that we will, to the uttermost of our power and judgment, maintain his truth, and conform ourselves to his will. That we will defend this cause with the hazard of our lives, against the king's army, and against all that join with them in the prosecution of this wicked design; according to the form to be agreed upon by both houses of parliament, to be subscribed by our hands; and that we will, for the same ends, associate ourselves, and unite with all the well-affected in the city of London and other parts of his majesty's dominions.—That we expect our brethren of Scot and according to the act of Pacification, whereby the two kingdoms are mutually bound to suppress all debates and differences, to the disturbance of the public peace) will help and assist us in defence of the cause; which, if the Popish party prevail, must needs either involve them in that alteration of religion which will be made here, or engage them in a war against this kingdom, to defend their own religion and liberty: and we doubt not but the God of Truth, and the great Protector of his people, will assist and enable us, in this our just defence, to restrain the malice and fury of those that seek our ruin; and to secure the persons, estates, and liberties of all that join with us; and to procure and establish the safety of religion, and truth in our laws and liberties, to this and all other his majesty's dominions; which we do, here again, protest, before the ever-living God, to be the chief end of all our counsels and resolutions without any intention or desire to hurt or injure his majesty either in his person or just power."

The King's Answer.] There is no mention of any Answer from the king to this Protestation of parliament in the Journals: we shall however give it here for the sake of connection, though it was printed after the Battle of Edge-hill. * This circumstance of time is necessary to be kept in view, in account of some expressions which carry a reference to that action.

"If, in truth, the framers of this Declaration are not engaged by any private passion or respect, by any evil intention to our person, or design to the prejudice of our just honour and authority, to raise these forces and army against us (as they call Almighty God to witness they are not) they will think it their duty to disclaim the protection of the conductors of that army; who, the next day after this so solemn Protestation, used their utmost power, by the strength of that army, to have destroyed us, and put our person (for whose defence they would make the world believe this army is raised) into as much danger as the skill and malice of desperate rebels could do; otherwise this Protestation, now made, will appear of the same nature with those by which they promised to make us a glorious king.—Then, by their Nineteen Propositions, they endeavoured to strip us of all those rights which made us a king and them subjects.—What those actions and proceedings have been, which have manifested their loyalty and obedience unto us, will be as hard to find, as in their humble Petitions and Remonstrances; when, in truth, their actions have been the greatest scorns of our authority, and their Petitions the greatest reproaches and challenges of us, which any age have produced: and we have not only the clear evidence of our own conscience, but the testimony of all good men, that we left no action unperformed on our part, which might have prevented the misery and confusion which the ambition, fury, and malice of these seditious persons have brought upon this poor kingdom; neither is there any thing wanting to the happiness of church and state, but that peace and order which the faction of these men have robbed them of.—But they say, 'They directed their general, the earl of Essex, to deliver an humble Petition to us, wherein they desire nothing from us, but that we would return in peace to our parliament; and by their faithful counsel and advice, compose the distempers and confusions abounding in our kingdoms, as we are bound to do.' We were never so backward in receiving, or so slow in answering, the Petitions of either or both our houses of parliament that there was any need of an army to quicken us, which either or both houses of parliament have, in no case, any more shadow of right or power to raise by any law, custom, or privilege, than they have, by their Votes, to take away the lives and fortunes of all the subjects of England, yet the framers of this Declaration take it unkindly, that upon their profession in the sight of Almighty God (which is, they say, the strongest assurance that any Christian can give) we did not put ourself into their hands,' (the same hands which were lifted up against us, and bid us at that time with arms to destroy us,) and leave a strength God had supplied us with, of good and faithful subjects; who, notwithstanding all their threats and menaces, had brought themselves to our assistance. If that Petition had been so humble as they pretended, they would not have lost the advantage of publishing it to this their Declaration, that the world might as well have been witness of our refusal of peace, as it hath been of their disdain of any way to it, when they rejected our several earnest offers of a Treaty.—But why did they not send this humble Petition? Why, 'His excellency was then entering into his first summer-conduct for those who should be employed therein, and we refused to give any, [illegible] reasonable, humble and dutiful petition?' Sure,

* Printed at Oxford by Leonard Litchfield, printer to the University, 1642.

when our good subjects shall understand the strange enmity between these men and truth, the no-conscience they use in publishing, and informing those by whom they pretend to be trusted, things monstrous and contrary to their own knowledge, they will be no less offended with their falsehood to them, than their treason to us. 'Tis well known we never refused to give admittance to any Message or Petition from either or both houses of parliament; their messengers have been received and entertained, not only with that safety, but with that candour, as is due to the best subjects, when their errand hath been full of reproach and scorn, and the bringers, bold, arrogant, and seditious in their demeanour, and therefore there needed to have been no more scruple made in the delivery of this, than the other Petitions which have been brought us.—The truth is, we were no sooner acquainted at Shrewsbury, by the earl of Dorset, that he had received a Letter from the earl of Essex, intimating, 'That he had a Petition from both houses to be delivered to us, and to that purpose asking a safe-conduct for those who should be sent; but we returned this Answer, That as we had never refused to receive any Petition from our houses of parliament, so we should be ready to give such a reception and answer to this as should be fit, and that the bringers of it should come and go with all safety,' only we required, 'that none of those persons whom we had particularly accused of high treason should be, by colour of that Petition, employed to us'—After this we heard no more till a second Letter, at least a fortnight after the first to the earl of Dorset, informed us, 'That our former Answer was declared to be a breach of privilege, in that we would not allow any messengers to come to us,' that is, that we were not content that such persons, who had conspired our death, might securely come into our presence.—Our second Answer differed little from our former, insisting, 'That the address should not be made by any of those persons, whom we had particularly accused of high treason, amongst whom the earl of Essex himself was one, but declaring that our ear should be still open to hear any Petition from our two houses of parliament:' whether this were a denial from us to receive their Petition, or whether, if our two houses of parliament had indeed desired to treat with us by Petition, they might not as well have sent it to us, as they have since done their Instructions to their ambassadors into Ireland, and their new Bill, for rooting out Episcopacy, and devising a new form of church-government, let all the world judge. We have reason to believe that the Petition then prepared for us (if we have seen the true copy of it) was thought, by the persons trusted for the presenting it, fitter to be delivered after a battle and full conquest of us, than in the head of our army, when it might seem somewhat in our power whether we would be deposed or not.—For, that continued dishonest [illegible] accusation of our inclination to the Papists, which the authors of it in their own consciences, which will one day be dreadful to them, know to be most unjust and groundless) we can say no more, and we can do no more, to the satisfaction of the world. If they know that the Roman priests have encouraged those of that religion to conform themselves to the Protestant religion, by coming to Church, receiving the Sacrament, and taking the Oaths of Allegiance and Supremacy, they are more conversant with the subtleties of them than we are, but we must confess, till we be certain they have found that way to deceive us, that is, to elude the laws which are against them, we shall, in charity, believe their conformity to be real, and not pretended. But that any Priests or Jesuits, imprisoned, have been released by us out of the goal of Lancaster, or any other goal, is untrue in use an expression of their own as the Father of Lies could invent, neither is the persons named in that Declaration, to whom commissions are supposed to be granted for places of command in this war, so much as known to us, nor have they any command, or, to our knowledge, are present in our army, and 'tis strange that our Oaths and Protestations before Almighty God, for the maintenance of the Protestant religion, should be so slighted in the end of that Declaration; when, in the beginning of it, it is acknowledged to be the strongest obligation and assurance that any Christian can give. We desire to have our Protestations believed by the evidence of our actions. But they are informed (and that is ground enough for them to lay the basest imputation upon their sovereign) that sir John Hamilton and colonel Cochran (men of all repute both for religion and honesty) are sent to Hamburgh and Denmark, (we thought we should have heard no more news from Denmark) to raise foreign forces, and to bring them hither. We have before, in our Declaration, sufficient to satisfy any honest man) declared our opinion and resolution concerning foreign forces; and we had never greater cause to be confident of security in our own subjects, and therefore cannot believe so vile a scandal can make any impression in sober men.—Let a list of the nobility and gentry about us, and in our service, be viewed, and will they not be found the most zealous in the Protestant religion, the most eminent in reputation, of the greatest fortunes, and the greatest fame, the most public lovers of their country, and most earnest assertors of the liberty of the subject, that this kingdom hath? How different the reputation of the principal ringleaders of this faction and rebellion is, how careful they are of employing virtuous and honest men, is apparent to all the world, when they have entertained all the desperate and necessitous persons (whereof very many are Papists, which we speak knowingly, as having taken several of them prisoners) they can draw to them, and when they supersede a proceeding at the common law, for an odious and infamous crime, that Mr. Griffen may have

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liberty to keep them company in this rebe[illegible]
—For our affection and gracious meaning [illegible]
the city of London, and how far we are [illegible]
any such purpose as these impious men charge us with, appears in our late Proclamation, in which we declare the suburbs to be comprehended, as well as the cities of London and Westminster, to which we doubt not they will give that credit and obedience, as we shall have cause to commend their loyalty in joining with us to suppress this rebellion; which, uncontrouled, in a short time must make that place most miserable.—For the Oath and Covenant which they threaten us with, if it be to engage [illegible] to the Oaths they have already taken of Allegiance and Supremacy, as it cannot oblige them being taken, so we doubt not our good subjects will easily discern that it is a snare to betray and lead them into a condition of the same guilt, and so of the same danger with themselves and we must therefore declare, whosoever hereafter shall suffer himself to be cozened by those stratagems, and take such a voluntary oath against us, we shall impute it to so much malice, as will render him incapable of our pardon; and shall proceed against him as a desperate promoter of sedition, and an enemy to the kingdom.—Let all honest men remember the many gracious acts we have passed in parliament, for the ease and benefit of our people, that when there was nothing left undone or unoffered by us, which might [illegible] this land happy, these mischievous incendiaries might, instead of acknowledging our [illegible] and grace, upbraided us with all the reproaches malice and cunning could invent, and [illegible] to the people, a thing never heard of in any time, that having thus [illegible] and seditious minds, [illegible] the parliament having [illegible] of both houses [illegible] they took away [illegible] us, kept us from [illegible] and employed our [illegible] that they seized upon [illegible] chased our gracious [illegible] from us, that they [illegible] with a voice, and their [illegible] to destroy us; that when they [illegible] us to raise some power for [illegible] help of such of our good [illegible] the fury of these men, durst [illegible] they absolutely and peremptorily [illegible] treat with us for the peace of the kingdom. And, lastly, That on the 23rd day of October they brought this army (raised for the defence of our person) into the field against us, and used their best skill and means to destroy us and our children. We say, whoever remembers and considers this progress of theirs, will think of no other Covenant than to join with us in the apprehending the authors of this miserable Civil War; that posterity may not, with shame and indignation, find that a few schismatical ambitious persons were able to bring such a flourishing glorious kingdom, which hath [illegible] the envy of Christen[illegible] to a [illegible], to satisfy their own pride [illegible]—And we doubt not our good [illegible] Scotland will never think themselves [illegible] by the act of Pacification, (to which [illegible]ly consented) to assist a rebellion against their own natural king, for the assistance of persons accused, and notoriously known to be guilty of high treason, the bringing of whom to condign punishment would, with God's blessing, be a speedy means of happiness and peace to our three kingdoms."

The King resolves to march towards London] The king, having by this time greatly augmented his army at Shrewsbury and the counties adjacent, left the earl of Essex behind him at Worcester, and resolved to march directly towards London. This resolution put both houses and the city into the utmost consternation; the parliament not only sent to their general to hasten after the king, but were endeavouring to raise another army, under the command of the earl of Warwick, to oppose him.

The Parliament and Citizens prepare for their Defence] Oct. 24. Orders were given, requiring all manner of persons whatsoever, in London, Westminster, and Southwark, to shut up their shops, and forbear their trades, that so they might, with the greater freedom and diligence, for the present, attend the defence of the said places, and put in execution such Commands as they should from time to time receive from both houses of Parliament for that purpose. And, to secure themselves within [illegible] the house of commons had thought fit to [illegible] a Declaration from each of their Members, separately, That they would be assisting to the earl of Essex in this cause, with their [illegible] and fortunes, and, as a testimony of it, to [illegible] lend [illegible] money, immediately for that [illegible].

An Ordinance of Parliament was read and [illegible] for making Provision for those that should be imployed in the present war, in the Service of the Parliament; and also for the [illegible] Goods of those that should be [illegible].

Oct. 25. An Order was made for putting the [illegible] in motion, and another for [illegible] a commission to the king's youngest children, the duke of Gloucester and the princess Elizabeth, then at St. James's, out of his majesty's revenues, which the parliament had [illegible] their hands.

Oct. [illegible] A Proclamation from the King, entered in the Lords Journal of this day, was read; but is not mentioned who delivered it:

"It His majesty, verily believing that many of his subjects, who are now in actual rebellion against him, are ignorant against whom they fight, is graciously pleased to promise free pardon to both officers and soldiers (except those that are, by name, proclaimed traitors) who shall lay down their arms and submit the useless to his majesty. We command you, Our gracious king at arms, to proclaim this before the earl of Essex's army."

Relation of the Battle of Edge-hill] The

day the lord Wharton made a relation of the Fight which had happened on Sunday last, the 23rd instant, between the Parliament's Forces and the King's, at a place between Warwick and Banbury, near a town called Keynton; and that it was conceived there were slain, of the king's party, 3000; and, on the parliament's side, not above 300. That the lord-general with his forces were retired to Warwick, and that the king's army was in those parts, but refused to meet the parliament's forces on the Monday before his excellency retired*.

Oct. 27. The lord Wharton signified to the lords; That the lord-general desired the relation of the Battle at Keynton might be made to the city of London, having found so much friendship from them to the parliament's cause. Hereupon the house ordered the lord mayor to be sent to, to call a common-hall to meet this afternoon, at 5 o'clock; and an extraordinary committee of both houses to be appointed to go to the city, where the lord Wharton was to make the Relation to them. Accordingly a committee of 10 lords and 20 commoners was sent; some of whose speeches on this occasion, being preserved in a pamphlet of this time, and no where else that we know of, deserve our notice. We shall therefore give them in their own phrase and diction†.

The lord *Wharton* spoke thus:—My lord mayor, and you the aldermen and common council of this city; In a business of this very great consequence and concernment, it was very well known to my lord-general, that you could not but be full of great expectations; and my lord had, according to his duty, taken care for to give information to the parliament, who had sent him, of what had proceeded. In the very next place it was his particular respect to this city, to my lord mayor, the aldermen, the common council, and all the commons of this city, that they might likewise be acquainted with the success of that business; towards which they themselves had been at so much expences, and shewed so much love and kindness in all their proceedings for that purpose. And because letters might be uncertain, and might miscarry, there being great interception of them, the forces of the armies being close together, my lord thought fit to send Mr. Strode, a member of the house of commons, and myself: And certainly whatsoever shall be related by us to you, it will be good news, or else we should not willingly have undertaken the bringing of it; and for the truth of it, though we already hear that there are those that have so much malignity as to oppose it, yet the certainty of it will clear itself, and therefore there shall need no apologies to be made, but that which shall be said to you, shall be the truth, and nothing but the truth, in a very clear way of relation of what hath past.—Gentlemen, I shall open to you, as near as I can, as it comes within my memory, those circumstances which are worthy the taking notice of. And first, the Occasion why so many of the forces were not then upon the place; which you will find to be upon very good ground and reason, for the preservation of the counties that were behind, and of this city; which is the particular thing in the care, and now under the diligence of my lord-general to preserve. There was left at Hereford, which lies upon the confines of Wales, a regiment of foot under the command of my lord of Stamford, and a troop or two of horse, that the power of Wales might not fall in upon Gloucestershire and upon the river of Severn, and so upon the West. There was likewise left at Worcester (which you all know how it is seated upon the river of Severn, and what advantage it hath to intercept all force that shall come from Shrewsbury down into the West) a regiment of lord St. John and sir John Merrick's. There was, for the safety of Coventry (for that was a town it was likely the king might have fallen upon) the regiment of my lord Rochford, but it seems that his excellency the earl of Essex's army did so quickly come up to the king's, that his majesty thought it no way fit or advantageous for him to spend any time upon those places, for certainly they would have very quickly been relieved; so that the king stepped by Warwick and Coventry, which otherwise, we conceive they were towns he had as good an eye upon as any other towns in the whole kingdom, excepting this. There were likewise, occasioned by the suddenness of my lord's march, two regiments of foot, one under the command of a gentleman you all know, col. Hampden, and the other under the command of col. Grantham, with some 10 or 12 troops of horse, one day's march behind; bringing up some powder, ammunition, and artillery, which my lord would not stay for; purposely upon his diligence and desire that there should not be an hour lost in pursuing after that army, and that he might make all haste in coming up to this town. And his desire to make haste to keep with that army was such, that he kept, for 2 or 3 days together, a day's march before that army: and so, there being another regiment lodged in Banbury, occasionally for their own safety, there was with the earl, when this Battle was fought upon the Lord's Day, 11 regiments of foot, and about 35 or 40 troops of Horse. That which makes me say this to you, is partly for your satisfaction, that you may know the reasons of the things that are past; and partly that you may give the more glory to God for his blessing, and for his preservation of that remnant of the army.—Upon the Saturday at night, after a very long march, for they came not in till 9 or 10 o'clock, the army came to Keyntoo; and the next morning, about 7, (though all that night there was news came that the king was going to Banbury) we had certain informa-

* The King's Account of this Battle, printed at Oxford by Leonard Litchfield, and the Parliament's Relation of the same, may be seen in Rushworth, vol. v. p. 33 et seq.

† London, printed for Francis Coles and Thomas Bates, 1642.

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tion he was coming down a hill, called Edge-hill, which hath some advantage by nature for forts and breast works, and such things as those are; and the king's army (that army which, being raised by his authority, goes under the pretence of being raised for him and the parliament, but really against the parliament) coming down the hill, my lord of Essex presently draw out into the field; and drew his army into a place of as good advantage as possibly he could, though the other army had the advantage by the hill, which they were possessed of before; and, at the beginning of the day, the wind was against us, and was for the advantage of the other army. The preparation on both sides was for the making of them ready for fight, and the king's coming down the hill was so long, that there was nothing done till 4 in the afternoon. And, gentlemen, I shall tell you the worst as well as the best, that you may know all; and that when you have known the worst, you may find it in your judgments, to give the more praise to God for his mercy, after there was so little probability of any success.—After we had shot 2 or 3 pieces of ordinance, they began for to shoot some of theirs, and truly, not long after, before there was any near execution, 2 or 4 of our regiments fairly ran away. I shall name you the particulars, and afterwards name you those that did the extraordinary service, whereof you will find those of this city to have been very extraordinary instruments. There were that ran away, sir Wm. Fairfax's regiment, sir Henry Cholmley's, my lord Kimbolton's, and, to say the plain truth, my own.—Gentlemen, you see by this time, I am like to tell you the truth of every thing; but yet I must say this, that though they did so, I hope there will be a good number of them got together again, that may shew themselves in better condition, and better way of service than yet they have done—I hope so, and, by the blessing of God, it may be so, for they are but young soldiers; and we have some young soldiers that have, this last battle, done very extraordinary and gallant service.—Not long after there was a charge upon the left wing of the horse, where I conceive there was a matter of 18 or 19 troops; and truly I cannot say they did so well as they should, though I hope there are not many of them cut off neither, but that they will be brought together again to do very good service hereafter; but so it is, they had the worst of it. By this you will see that, at the beginning of the day, we might think it would not prove so well as it pleased God it did afterwards in the close of the day; for four troops were divided, and one part of the horse was not in good order; but it pleased God now to shew himself, for after the king's horse had past the left wing of our horse, (I cannot say it was in any hands but God's own Providence) they went to the town where all our baggage was, (the baggage of the officers and the private persons of the army, not they of the artillery, but the colonels carts and the capitaln carts, and such provision as that) and there they took a bait upon our pillage, and fell a plundering all the while the rest of the army was fighting; and indeed my lord-general had some more loss than ordinary, by some cloaths and money he had there; but we may thank God they were away, for thereby the rest of our army had better opportunity to do the service they did.—My lord-general himself, upon this extremity, did begin to shew himself to be more than an ordinary man, and indeed I think more than I have heard tell of any man; for he charged up at several times, once with his own troop of horse, as I remember; but I am sure with his own regiment of foot, which was raised here in Essex; and though so many ill passages happened before, yet by his own foresight and encouragement, and the encouragement of others, his troop of horse fell upon the king's own regiment, (which they had the most hopes of) called the Red Regiment; and, after a sore and bitter fight (for to give them their due, they fought very well, those of my lord of Essex's regiment I mean and those horse I spake of before) they killed the king's standard-bearer, sir Edmund Verney; also took the king's Standard which was raised up against the parliament, and brought it to my lord-general; and he delivered it to a servant, who was not so careful as he ought to have been; yet it was not re-taken by force, but by the carelessness and negligence of some persons they took likewise the earl of Lindsey the king's general, prisoner, and carried him away; they took prisoner my lord-general's son, my lord Willoughby of Eresby; as also the person you have heard so much of, and been so well acquainted with here, col. Lunsford, which should have had the Tower, he was likewise taken prisoner, and his brother slain; sir Edw. Stradling prisoner, and divers others of quality, as my lord Aubigny, col. Vavasour, and sir Edw. Murray, a Scotsman of great quality.—While these were upon this service, I must do justice to divers other of the officers of the horse, which were upon the right wing, that did extraordinary service too; that was my lord of Bedford himself, who did very gallantly; sir Wm. Balfour, the late lieutenant of the Tower, sir Philip Stapylton, and all the troop which formerly had been under some other kind of report, did extraordinary service, and kept entirely to their charge; and though they were long under the power of the other's canno, there being some 17 shot against them, they stood still; and, God be thanked, not a man of them hurt.—There was likewise very extraordinary service performed by my lord Grey and sir Arthur Haslerig, who indeed were a help to give a great turn to the day, by cutting off a regiment of the king's which was called the Blue Regiment; and there were many other gentlemen of great worth, that did very extraordinary service too. I would not have you understand that others did not do it, because I remember not their names, for I speak to you now but on the sudden;

only these I have named come now to my memory, and you will hear more of the rest upon other occasions.—Upon the close of the day, we knew it for certain that the best regiment of the king's was cut off, and his next best regiment, which was that under my lord of Lindsey, that there were all the prisoners taken and persons of quality slain I told you of, and we were informed by the countrymen, that saw them bury their dead next day, and bring them up into heaps, that there were about 3000 of theirs slain, and we cannot believe, nor we cannot have any information to give us reason to believe, that there were above 300 of ours slain.—It is to be observed of God's Providence in this day's work, that though it began so improbably, yet before the close of the night, which was two hours, (for they began to fight but about 4 o'clock) we had got the ground that they were upon: and had also got the wind of them; and we do not know, nor by information can conceive, that there were 20 men of ours killed by all the king's cannon.—And when it was night and there could be no more fighting, we drew our forces together, and so likewise did the king. They were then but at a reasonable distance, it may be three times, or six times the length, or some such distance, of this room; but in the night the forces of the king withdrew up towards the hill from whence they came: and my lord-general sent, amongst others, myself for to bring up those forces to him, which I told you were a day's march behind; these were col. Hampden and col. Grantham and these troops of horse, and the artillery; and, about one or two o'clock the next morning, they came to my lord general, and joined with the rest of the army.—When the king had drawn his forces up the hill, my lord-general drew us a matter of three quarters of a mile, further from the hill, that he might be out of the power of their cannon. There we stood on our arms all the night, and in the morning, drew ourselves again into the field, but we heard no more news of the other army, more than we saw some scattering men, of some 3 or 4 troops of horse on the top of the Hill, which came to bury the dead, and to take away some of their cannon, and such things as those were; but they came no more down the hill, neither that day, nor on Tuesday; though there were divers reports came to us, in the army, and I believe came hither, that there was fighting on Monday and Tuesday. but, there was no fighting, for the king kept on the top of the hill, and we came away on Tuesday, at 4 o'clock; so that we can assure you there was no more action, than what was on the Lord's Day.—Gentlemen, now I have declared this Narration to you, I shall say no more than this, That certainly my lord general himself hath deserved as much in this service, for his pains and care, and for the particular success that was upon it, as truly as, I think, ever any gentleman did; and in the next place, that as God of his own immediate providence did thus declare himself for the owning of his own cause, so you will not forget to apply yourselves to God, to give him the glory, and to intreat his blessing upon your future attempts."

Mr *Strode* spoke next.—"Gentlemen all; As the noble lord hath told you, my lord-general sent him up to you to give you a clear information of what was done, and he hath given you so clear a one, that there is little left for me to say to you; only my attestation, and that is needless. Had that been all I should have said nothing; but in the enumeration of those regiments that did run away, and of his own, I must needs say thus much, that, when they were all away, he stood with us in the service all that night. This I hold my duty to this honourable person, since it was modesty in himself to say nothing.—I shall crave leave a little further to make you some observation, that as God did this great work, and we ascribe to him the honour, so you will look upon the persons by whom he did it. In the first place you have heard, when it was a thousand to one but that we had lost the day, by the running away of the troop of horse and the 4 regiments, that the general did draw up his own regiment; and that then did God begin, in them, to shew his own work; and not only in them, but by a regiment raised in Essex, another regiment raised in this city under the command of Mr. Hollis, and one regiment of my lord Brooke's which had the day upon them. These were the men that were, ignominiously, reproached by the name of 'Round-Heads:' but by these 'Round-Heads' did God shew himself a most glorious God: and truly, gentlemen, the that will report to you the number of our dead, far less than we have reported them to you, must hunt them many miles from the army, and then they were man that ran away so far, that it was no matter who killed them, for our men killed any where about the place, we cannot find to all, or think of, above 500, and you will say they were well lost that run away; there were few lost of them that stood their ground, and they that were so lost were lost with honour: so that truly I can say no more to you, in such a cause as this, that you have undertaken with your purses and with your persons God hath shewed himself with us, he you but courageous and we never need doubt it. And so we say all."

Then the earl of *Pembroke* said; "My lord mayor, and you gentlemen of the city; I am commanded, and the reason that makes me trouble you at this time with saying any thing, is by reason of a Letter I received from the committee, which I think, is a Letter of some consequence, and fitting for you to see; otherwise I am so ill a speaker, after such a declaration made to you, that I have not the boldness to say any thing to you; but truly though I say little, yet I have ever had so good a heart to this business, that I shall ever live and die in it.—Gentlemen, you have shewed yourselves like brave and noble citizens; you have acted

Printed by Luke Hansard & Sons, near Lincoln's-Inn Fields.

with that nobleness, with that alacrity, with that love to God, king, and parliament, that none of your ancestors before ever shewed more love, nor care, nor zeal, nor performed better. I have only this to say to you, If the times are such, (not that I think there is any great peril in the king's army, now, for we have told you nothing but the truth, as when you have seen this Letter, you will find there is very good cause for you to cherish this work, which must be by following it with the same zeal, love, care, nobleness, and alacrity, which if you do, you may well crown yourselves with the name of a glorious city, and none more."

Here the Letter was read as follows.

"To the earl of Cumberland, general of his majesty's forces in the North. My very good lord; Your lordship's, of the 20th of this month, I have received by Stockdale, and have read it to his majesty, who willed me to signify to your lordship, that he is well pleased with your lordship's continuing of the sheriff in his place, albeit he sent a writ for his discharge. His majesty takes a special notice of your lordship's vigilancy and care in the trust he hath reposed in your lordship, as he hath, by many gracious expressions, declared at several times openly, upon conference of your business in that county. Your lordship's care of my lady duchess of Buckingham is, I assure you, very well taken by his majesty. Sir Ralph Hopton, and other gentlemen in the West, have raised 10,000 horse and foot, with which they have already disarmed all persons in that county that are disaffected to the king; they have taken Lancaster, and are marching into Derbyshire, to disarm the disaffected there, and so tend to come to meet the king at London. There are also in Wales about 8 or 7000 men raised for the king, which are to be under the commands of Hertford, that will be ready upon all occasions to come to his majesty, but it is thought will not need their help, having got the city of Essex such a blow, as to [illegible] haste again to adventure himself in the cause against God's anointed. Your lordship's Nicholas, Edgecot Northampton."

After reading this Letter,

The earl of *Holland* said—"My lord mayor, and you gentlemen, the citizens of more by obedience than confidence, that I can any thing to you at this time. For as I shall say to you, as to others of the Reformed Religion that this noble land hath been in the best part of it what delivered you, that is a danger (and indeed such as, I am confident, all that were there believed the cause of religion, and liberty, and all to) you saw what a present turn it had, such a one, as if it did not give us the victory, yet it gave us the advantage, that is certain, and truly a very great one, especially when it was taken from so unhappy a condition as we were likely to be in, wherein God hath shewed us such a danger might have fallen upon us and certainly it is because every man should consider, in that danger, what he might have suffered, and what his cause might have suffered; and by this to give you all warning, that as he hath now begun to deliver you only by his hand and by his power, he will expect that you will express such a thankfulness to him for it, as now to make his cause your work, and to do it with your hands boldly and with courage. For by this Letter you have heard read to us, I suppose it is therefore needful that you the least intimation expect as to this great army of the king's, as that it consists only by the disposition of those that command it, and have great power in it, they intend you no less (and that is to be believed) than the destroying of the city and your persons, and the preying upon your estates. This is not all, for you see the storm is not present, or he is not powerful enough, an army must come from the West; you see the preparation of another in the North, from all parts of the kingdom the sword is drawn against you and truly, having those ill intentions that they certainly have, it is the wisest course they can take, for in your city is the strength of the kingdom indeed. It is not only the life but the soul of it if they can destroy you here, the rest of the kingdom must all submit and yield, and, in that yielding, must give up the maintenance of all that is left dear to them."

The lord *Say* said "He made the following speech. "My lord mayor and gentlemen, It cannot be doubted by what you have heard but that the [illegible] and bloody practices that this kingdom [illegible] of late times that this [illegible] of him, and in all these [illegible] the king, we, the rich and glorious city, should be the [illegible] up as a prey and reward to them for their treason [illegible] the king and the parliament, that [illegible] should resist their malice, your [illegible] and religion itself [illegible] to us, should be [illegible] Papist, to [illegible] us. We wish from their inmost [illegible] to represent to us the outrages: you [illegible] enough in your hands to [illegible] upon their own [illegible] if you will [illegible] will hold them up [illegible] and true religion, liberty, and, to defend your lives, [illegible] kingdom and the parliament, [illegible] thing that can be [illegible] and fear those things that [illegible] in this Letter, those things that are falsely buzzed abroad by a Malignant Party in our city, to amaze us. There is no fear of danger, but [illegible] is secured, and it is before if you [illegible] not doubt, cannot [illegible] but you will [illegible] every man, both by the [illegible] of [illegible] by the law of nature in this case, [illegible] to do, through God's blessing so shall both honour God, maintain the true religion, save the kingdom, save the parliament, and crown you [illegible] good beyond [illegible] that God hath pleased [illegible]

[illegible]

shew himself unto us in.—This is not now a time for men to think with themselves, that they will be in their shops to get a little money: this is a time to do what you do in common dangers; let every man take his weapons to his hand, let him offer himself willingly to serve his God, and to maintain true religion. You may remember what God saith by the prophet, 'My heart is set upon those people that are willing to offer themselves willingly upon the high places:' let every man therefore shut up his shop, let him take his musket, let him offer himself readily and willingly; let him not think with himself, Who shall pay rec? but rather think this, 'I will come forth to save the kingdom, to serve my God, to maintain his true religion, to save the parliament, to save this noble city; and when this danger is overcome, I will trust the state that they will have a regard unto whatsoever may be fit, either for my reparation in any loss, or for my reward.' Do as you do in common dangers, as when there is a house on fire, men ask not who shall pay them their day's wages, but every man comes forth of his doors, helps to quench the fire; brings a bucket, if he has one; borrows one of his neighbour, if he has not: when the fire is quenched then the city will regard to repair any man that has suffered all day. That do you; every one bring forth his arms, if he has any; if he has none, let him borrow them of his neighbour, or he shall be armed by the state. let every man arm himself and his apprentices, and come forth with boldness, and with courage, and with chearfulness, and doubt not but God will assist you; for this is God's cause; and that should be your encouragement they are Papists, they are Atheists, that come to destroy you: they come indeed, in the first and principal aim, to destroy religion. Papists are invited, they have commissions, are these the men that should defend the Protestant religion, when they are Papists and Recusants? If you shall come forth, God will go forth with you, he will fight for you, he will save you; but how? He will not save you without yourselves You may remember what was said, 'Curse ye Meroz, because they came not out to help the Lord against the Mighty' He needs not your help, but he will use your service, that he may bless you; and therefore let every man be encouraged, let him shew his readiness, let him shew his forwardness. Remember what the Scripture saith, 'Hear, O Israel, God is with you so long as ye are with him.' The lord will be with you in this cause, for it is his cause; but then you must shew yourselves ready to be with him. But I need not use these speeches to those that have expressed, already, so much affection as you have done; I shall only encourage you to go on: be not therefore daunted; let not malignant parties, that go up and down, and would go about to inform you that there are these fears and these dangers, let them not, I say, make you be wanting to yourselves; fear them not at all. I shall conclude with this which the good king said, 'Up and be doing, and the Lord be with you."

Then the Lord *Wharton* spoke again;—"Gentlemen, I shall trouble you but with a word or two; the one is upon part of that Narrative which I began withal; wherein, truly, I take myself to be very beholding to that gentleman that spoke after me, that he did not forget to inform you of the extraordinary blessing that God bestowed upon the courage of honest, pious, and religious men; for, truly, there was very few that did any extraordinary service, but such as had a mark of religion upon them. That which I omitted to tell you was this, That one great cause of our preservation, and of the success of that day, was the barbarousness and inhumanity of prince Rupert and his troops; who, while we were a-fighting, not only pillaged the baggage, (which was a poor employment [1]) but most barbarously killed the country men that came in with their teems, and women and children that were with them This I think comes not amiss to tell you, because you may see what is the thing they aim at, which is pillage, and baggage, and plundering, and the way which they would come by it is murdering and destroying: and therefore it will come in very properly, to encourage you to that work, which the two noble lords have so well opened to you, which is the standing upon your defence."

The Earl of *Holland* concluded thus:—"My lord mayor and gentlemen, It is but a word or two that I shall say to you, for the shutting up of this business. The danger hath been represented to you, we must desire you likewise to consider how near it moves, so that you must resolve and act both together. We conceive this army will be at Oxford as this night, that is within such a distance as, within three days, they may march to London. It is very necessary for you to provide against this, as a danger that may be very suddenly upon you, if they should chance to march before our army, and with such an advantage as to break up bridges, or any such thing as may hinder our army to move presently and suddenly after them. Consider how open you are to this danger, if you provide not presently for it: therefore, as we have given you reasons, and indeed as you may take almost from your own reasons, to defend yourselves, it will be very necessary for you to look upon this as a danger, that will not allow the loss of an hour in providing against it. and that is all I shall say unto you."

END OF VOLUME II.

LONDON: PRINTED BY THOMAS HANSARD, PETERBOROUGH-COURT, FLEET-STREET.

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